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SEPTEMBER 13, 1989 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, September 13, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

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APPROVAL OF MINUTES OF MEETING OF JUNE 14, 1989

Approval of Minutes of Meeting of June 14, 1989, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1270-89

JUAN RIVERA vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Juan Rivera in the sum of $500.00 in Superior Court No. 881-140 entitled "Juan Rivera vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1987

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1271-89

CSE INSURANCE CO. (INS: EUNICE K. BROWN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of CSE Insurance Co. (Ins: Eunice K. Brown) in the sum of $243.34 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 14, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1272-89

MARK CASPER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Casper in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 27, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1273-89

ERICKA MAXWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ericka Maxwell in the sum of $125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 8, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1274-89

ODILOW VASCONCELOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Odilow Vasconcelos in the sum of $100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1275-89

EDWIN FENNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edwin Fenner in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 16, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1276-89

MONA J. YOUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mona J. Young in the sum of $100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 29, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1277-89

ASKAKI M. BROWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Askaki M.

Brown in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 8, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1278-89

SHERMAN K. CHENG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sherman K. Cheng in the sum of $80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 14, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1279-89

CURTIS E. FRANKLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Curtis E. Franklin in the sum of $80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 8, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1280-89

LEONEL SILVA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leonel Silva in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: May 13, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1281-89

HEIDEMARIE ZIPUSCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Heidemarie Zipusch in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 10, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1282-89

MICHAEL J. PIERAZZI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael J. Pierazzi in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: July 15, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1283-89

ROBERT EDWARD NOVOTA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Edward Novota in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1284-89

DOUGLAS L. LEAPAGA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Douglas L. Leapaga in the sum of $50.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 6, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that there is no Police Commission for Report for tonight's meeting.

(a) PUBLIC COMMENTS

Mr. Jote Kojele, cab driver, said he assumed the Commission will close the PC&N Hearings today and he wanted to make a statement. He said in the belief that the Democratic Process existed in San Francisco the Association of Professional Cab Drivers and other Cab Driver Groups began their presentations to the Commission in November of 1988. He said soon after the Department Staff was directed to this report by April of 1989. He said between November 1988 and April of 1989 he said the drivers presented their proof for the need of additional cabs in the city. He said unlike the 1986 PC&N Hearings they, the drivers, have to pay to the cab companies. He said since it is cheaper for a cab driver to rent a Lincoln Town Car or if you prefer five (5) Thunderbirds from Budget Rent-a-Car than to rent one DeSoto Cab for the same number of hours. He said on April 19th, the Staff Report was presented to the Commission. He said it could have not been more

bias if it had been written by the Taxicab Association itself. He said with scarcely obtained the needs of the city the Staff Report stated as fact the driver sometimes makes below minimum wage or indeed they some time have to pay out of pocket for the gate. He said instead of being suspicious of these claims of being paid below the minimum wage plus benefits out on Saturday and Sunday mornings. He said their association have, incidentally, spoken to one of the managers who is quoted in the Staff Report and he denies having ever spoken on the subject to any member of the Staff. He continued with many other things he considered wrong with the report and the cab industry and then said to the Commission that he could not understand how the Commission could decide or administer discipline to a police department when even the police officers see what is going on here.

Ms. Debra Royale, representing the Dolores Huerta Coalition, said tomorrow, September 14th, will be one year since the beating of Dolores Huerta by a SF Police Tac Squad Officer. She said no matter how long the foot dragging goes on the drive to re-open the Huerta Case which is supported by the vast majority of San Franciscans and all are urging the Police Commission to investigate the entire case from start to finish. She said they will be holding a picket tomorrow in front of 850 Bryant at noon. She said they demand that the Commission immediately re-open the investigation of the September 14th 1988 beating of Dolores Huerta.

Mr. Richmond Young, President of the Gay Stonewall Democratic Club said he was here to remind the Commissioners that they have not forgotten Dolores Huerta and that they are still determined that justice be done in her case.

Mr. Carrington Osborne, Co-Chair of the Rainbow Coalition, said they were here once again today and will be here again tomorrow because today is the eve of which the incident that occurred to Dolores Huerta who was beaten on public television by a San Francisco Police Officer. He said it has been a year now and this case has not moved forward. He said they will continue to comeback until this matter is adjudicated.

Ms. Debbie Muellen, SF General Hospital Worker, Chinese Progressive Association, said they have been around for about sixteen (16) years now, and they are concerned like the others before here in that they are very concerned about justice being done in the case of Dolores Huerta.

Lt. Bruce Marovich of the SFPD, said that his background and training for the last twelve (12) years have been in plainclothes and he wanted to comment on the policy that OCC has recommended in demonstrations. He said the goal of plainclothes officers in demonstrations is really not to arrest people but to identify people and to deter them from throwing missiles at the uniformed officers or anybody else at a demonstration. He said also it is to do away with guerrilla type warfare that they experienced at the last demonstration at the Federal Building. He said people who come to these demonstrations 90% are honest people who want to exercise their First Amendment Rights and we all respect that, however he said, you have that percentage who are not going to function that way

especially when you see them carrying body armor, helmets, mask, bottles full of blood, with objects secreted in their back packs and a double change of clothes. He said the uniform people are at a disadvantage because they are simply targets standing out there as cannon fodder for those who wish to throw things at them. He said their only response is to clear the crowd and as they are being assaulted and the people in front having not really done anything because it is the people in back, they are the ones, the people who throw things and know better and then get out of the way. He said it is then the job of the plainclothes officers to act and identify those, know who they are, and follow them to an area where they can be arrested. He said no plainclothes officer does anything on his own, they all act as a group. He said the last time, in March, OCC was right along side of them filming everything they did and everything they said and there was no problem. He said the Commission should be aware of how valuable a tool it is and it should not be taken away from them.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had one item and that was Captain Larry Minasian to give the Commission an update on the Senior Escort Advisory Committee. Captain Minasian said that he was here to give the Commission an update of how the Committee has functioned over the last week and a half. He said the Committee met last Thursday with Commissioners Craig and Lee along with himself and Sergeant Dennis Gustafson for the purposes of selecting the Committee. He said they received 46 applications for the Committee, out of an original 115 applications that were sent out to the various locales of the city. He said Commissioners Craig and Lee reviewed the 46 applications and a Committee of 14 people were selected representing a cross section of concerns with the Senior Escort Program. He said on Friday, September 8th, the Senior Escort Program sent out a rather thick group of documents to each of the different Committee members outlining the Reorganization Plan for the Senior Escort Program. All of their concerns, he said, hopefully were answered at that time. He said in the packet there were a number of questions during this elongated process that came up and hopefully they were answered. It was, he said, to give the people an opportunity over the weekend to review and to familiarize themselves with the process. He said on this past Monday, the 11th, the Committee was convened at 2 PM and then Commissioners Craig and Lee welcomed them and thanked them for their participation and charged them with the responsibility of reaching a decision on the Reorganization Plan. He said the Committee Members met for approximately two (2) hours. He said there was a presentation by David Park who is the operations director for the Senior Escort Program who he believed, and a majority of the Committee Members felt, gave a very concerned and genuine appraisal of the reorganization and then answered the questions and concerns people had. He said after further discussion several of the members asked for a vote of the Committee and out of the twelve (12) members present, there were two (2) opposed. He said they have scheduled another meeting for Friday and they hope to formalize this

into a written document to be presented to the Board of Supervisors. In opposition, a gentleman who did not identify himself until later, said he was one of the two (2) votes at that meeting that was opposed and that they would like to keep what they have. He then handed out some literature as to why they were opposed and in that literature he was identified as George R. Williams, Member of the Advisory Committee. The flyer is on file with the Office of the Police Commission. He said he would like to have the Commission's support in backing them in having three (3) Senior Escort people with the elderly instead of four and not to have two as proposed in the reorganization plan because he did not think that was adequate.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer said he had just one item and it is part of their Community Outreach Program. He said that last night, Investigator Charles Gorman, Pam Sweeney from Deputy Mayor Gayle Orr-Smith's Office and himself had an opportunity to address a group of people at the Bayview Hunters Point Crime Abatement Program and he just wanted to make the Commission aware of that as they were very well received and had the opportunity to explain the OCC process. He said also present at the meeting was Captain James Arnold of Potrero Station with several of his officers.

RESOLUTION NO. 1263-89

REQUEST OF THE CHIEF FOR COMMISSION AUTHORIZATION TO ACCEPT A BROTHER WP 510 WORD PROCESSOR DONATED BY MACY'S OF CALIFORNIA FOR USE AT CENTRAL STATION, VALUED AT APPROXIMATELY $800.00

WHEREAS, Macy's of California has generously offered to donate a word processor to the San Francisco Police Department for use at Central Station, and

WHEREAS, the word processor will greatly enhance Central Station's document processing capabilities, and

WHEREAS, the value of the word processor is approximately eight hundred dollars ($800.00), and

WHEREAS, Section 10.116 of the San Francisco Administrative Code permits department heads to accept gifts for departmental use valued at five thousand dollars ($5,000.00) or less; now therefore, be it

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to accept on behalf of the San Francisco Police Department, a gift of one Brother WP 510 Word Processor from Macy's of California.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

POLICE COMMISSION DECISION TO CLOSE OUT PUBLIC CONVENIENCE AND NECESSITY HEARINGS ON TAXICAB MATTERS FOR THE YEAR 1988

PRESIDENT GIRAUDO: It's my understanding that we are obligated to close out PC&N. We do have as Mr. Kojela explained this evening a request from the Mayor's Office to give them time to complete their study to take in the total picture, if you will, of taxicab regulation, fee structure and the issue of whether or not the City does need more cab permits.

So I would ask for a motion this evening to close out the PC&N hearing for 1988, that we will reopen in November with the hope and expections that the Mayor's study will be completed.

MR. KOJELA: Is it denied?

COMMISSIONER NELDER: Move to close it out and reconvene in November.

PRES. GIRAUDO: With no additional medallions or permits?

COMM. NELDER: No additional medallions at this time.

PRES. GIRAUDO: Is there a second?

COMM. CRAIG: Second.

PRES. GIRAUDO: All right. All in favor?

(Whereupon, the motion passed unanimously).

PRES. GIRAUDO: So moved.

RESOLUTION NO. 1266-89

POLICE COMMISSION DECISION TO CLOSE OUT PUBLIC CONVENIENCE AND NECESSITY HEARINGS ON TAXICAB MATTERS FOR THE YEAR 1988

WHEREAS, the Police Commission decision to close out Public Convenience and Necessity Hearings on Taxicab matters for the year 1988 was called, it having been scheduled for this date; and

WHEREAS, it is the decision of the Commission that all taxicab matters for the year 1988 is closed out; therefore, be it

RESOLVED, that all Public Convenience and Necessity hearings on Taxicab matters for the year 1988, be, and the same are hereby closed letting the number of 811 medallions stand as originally authorized in Resolution No. 1201-87.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

PUBLIC HEARING ON OCC POLICY RECOMMENDATIONS

Mr. Michael Langer, OCC Director, advised the Commission that Ms. Pam Moy was here to address the Commission on:

(a) AUTO HIT AND RUN DIVISION INVESTIGATION AND STAFFING

Ms. Moy, OCC Investigator said within the last few months she had handled several complaints which focus on the policy of the Hit and Run Department's not investigating cases which do not involve a fatality. She said in both cases her complainant states that there were leads and one case direct identification of the Hit and Run drivers which would make their case solvable. She said more over that media attention was focused on this particular subject by way of an article in Herb Caen's Column regarding a Hit and Run case where a near fatality was not going to be investigated. She said the victim in that case was a young doctor and the article quoted the Investigation Units explanation as being because of budget cuts it is not our policy to pursue an investigation of this type of accident unless a fatality has occurred. She said in one case her current complainant said if he is dead he really didn't care if it is investigated as he won't know. She said this case of the doctor has three (3) witnesses. She said the article goes on to say that the driver of the hit and run vehicle was not cited but that the victim's father managed to get tagged. She said the public's perception of justice is, because of human failure, that there is none. She said this existing policy only serves to reinforce their perception. She said the public does not understand or accept the current policy as a viable reason for their problems. She said their impression is that when there are facts which could be pursued the police are negligent by not pursuing these opportunities. She said in one of her cases the complainant states that the neighbor could identify the person who struck or damaged her car. She said he lived down the street. He saw it happened and offered this information to investigating officers. She said in the other instance the hit and run vehicle was identified as a car rental from a major company. She said this matter also was not pursued. She said these complainants also suffered tangible losses. She said in each case the victims have expressed their feelings of being twice victimized, once by the hit and run drunk driver and once by the Department. She said she would like to recommend that OCC and the Department review the existing policy and see what can be done to address the cases that are solvable.

Chief Frank Jordan said that in dealing with this issue it is partly an insurance company issue that the Department has to deal with and many times the public feels that the Department should be involved. He said if the Department starts getting involved in all kinds of accidents and investigation of accidents which citizens are paying very good insurance money for accident coverage the insurance companies really are getting the Department to do their work for them in many cases so he said the Department is evaluating this in looking at what the Department's priority should be in the SFPD in terms of Rapes, Robberies, Burglaries, Assaults, and Homicides. He said the SFPD is trying to find a middle ground to see what it really should be doing and not be doing insurance company work. He said also the Department is short as far as personnel in Inspector's Bureau which creates another problem in this area which will remain until this is corrected in this Bureau.

Commissioner Nelder said he thinks the OCC Investigator make a very valid point when she says that a hit and run victim is just as abused as a person involved in a burglary or robbery particularly if the car is a stolen car a drunk driver under the influence of substance abuses and those things would have to be investigated.

Chief Frank Jordan said he agreed and that the SFPD has very good guidelines in terms of what is investigated and what is not investigated and why. He said he has Lieutenant Bruce Lorin, Officer in Charge of the Hit and Run Detail, here to speak to some of the issues.

Lieutenant Lorin said in a Hit and Run Injury case it is assigned to an Investigator. He said in a case of property damage it has to be more than moderate damage with solvability factors and it would also be assigned to an investigator. He said if it is less than that and they have a license plate they will send registered owner information to the vitim with an explanation and a post case that this time this case will not be investigated by the SFPD but you should turn it over to your insurance company and if you have any questions call the Hit and Run Detail of the SFPD. He said regarding the OCC Investigator's Report on the the newspaper article, which was in Herb Caen's column that was not a hit and run. He said the perpetrator remained at the scene of the accident and identified himself and it didn't even come to the Hit and Run Detail. He said the Detail averages 536 cases a month and 25% of those are investigated by Inspectors.

Pam Moy, OCC Investigator, in response to Commissioner Nelder's question said she was only addressing this from her personal experience which was that she had one complaint before the article came out and one after. She said what struck her was when she went to the Hit and Run Detail with regard to her first person's complaint who said they could get an identification because the person who hit them was driving a rental car and they told them (Inspectors) if they went to the rental agency they should be able to give them a name or enough information to try and identify that person. She said the person was told that his case was not investigatable because there were no fatalities. She said her second case came after this article came out and the circumstances were close enough again and again the person was told no fatality and that Hit and Run Detail would not investigate. She said the victim did have eyewitnesses and could point out the person who struck her car and where the perpetrator lived and she was also told the same thing by the Hit and Run Detail expand their policy to investigate cases that have specific eyewitnesses as such. She said according to the Hit and Run Detail that is supposed to be their policy but the OCC would also recommend that numbers of personnel for the Detail would probably help also.

Commissioner Giraudo said to Ms. Moy that he would like to have her identify those two (2) cases to the Lieutenant by memo and then he would like to have the Lieutenant comeback and let the Commission know whether they were investigated and what the criteria was if they were not investigated.

(b) APPLICATION AND ENFORCEMENT OF OBSTRUCTING STREETS AND SIDEWALKS LAWS (SECTION 22A OF THE SAN FRANCISCO MUNICIPAL POLICE CODE)

Ms. Diane Christensen, Investigator with the OCC, said that the recommendation is that the Department issue a training bulletin to clarify the proper enforcement of 22a of the Municipal Police Code. She then read Section 22a and said the problem is that many police officers incorrectly apply Section 22a of the MPC resulting in the issuance of unwarranted citations. She said she has conducted numerous interviews since she has been at OCC where officers have failed to describe how it was that the cited individual actually violated the Statute. She said many officers seem not to understand that to violate Section 22a MPC, one must block a person. She said recently she interviewed an officer who said he writes 20 to 25 such citations in a month and he did not understand that in order to apply it that the individual who was violating the Statute would have to be blocking a person. She said the lack of adequate training in this regard for officers results in officers receiving complaints that are unnecessary. She said it is a public relations problem, the Department becomes vulnerable legally as she has been subpoenaed into court now and it is a negative perception by the community.

Chief Frank Jordan in response said that he would like to have some of this information, particularly about the officer giving out the large numbers of citations, so that the Department can evaluate what it has and then sit down with OCC to see about arriving at a solution.

Mr. John Crew, ACLU, said that they are extremely pleased with these public hearings and feels that it is a very healthy process and hopes that it will be a regular orderly occurence. He said the ACLU was kind of the creators of this Section 22 in that they filed a lawsuit against the SFPD more than ten (10) years ago about the old local obstructing law and at that time there were a lot of complaints about the law being used to harrass mostly gay people on Polk Street. He said also it was used for sweep activity in the Tenderloin and Union Square and that law suit was settled and the result of that law suit was a more timely wordly ordinance that the investigators gave to the Commission, but, unfortunately he said, in the 80's they started to get the complaints of the Police enforcing 647c of the Penal Code which is the exact same law with two minor word changes with misdemeanor rather than infraction. He said they solved one problem and another problem came up. He said they collected statistics and found that over a two (2) year period on Section 22 there were 199 arrest and 185 which were immediately dropped and zero (0) convictions. He said on 647c it was even a worse story as there were 3,490 arrest 3,279 or 94% were immediately dropped on no filing of charges which indicated there were only 17 convictions and that was less than 1/2 percent and the ACLU was very disturbed about that evidence or pattern of improper use of these obstructing laws so they filed a law suit but they lost it. He said they appealed it but were told that the Police Commission would have to do something about it. He said he even had a police officer come to him and say that he did not like to

have to enforce this section. He said the point is you do need a victim as it is not obstructing the sidewalk it is obstructing the person on the sidewalk. He said all they are looking for is a policy that spells out what the elements of the crime are and that this law be properly enforced. He said given the history of this problem and the length of it the ACLU would actually disagree with the OCC and ask that this training video foremat (presented written score) which was once used by the Department through the District Attorney's Office by a Mr. Robert McCarthy which spells out the elements of this crime, when it should be properly used and when it should not be used, and ask that this be put in General Order Form so that the Commission can see it and all of the officers would be responsible for it. He said since he is really talking about two laws here, 647c and 22a they both would be covered.

Commissioner Giraudo then asked Mr. Crew to submit to the Commission his recommendations in writing prior to next Wednesday to which Mr. Crew agreed.

PRESENTATION BY CAPTAIN MICHAEL HEBEL, JUVENILE DIVISION, "NEW DIRECTIONS FOR SAN FRANCISCO YOUTH SERVICES"

Captain Michael Hebel in his address to the Commission spoke of the present involvement with Youth Services as a background with where they intend to go and some of the goals they intend to reach. He said the number one objective that they have is the co-locating of services. He said they are looking at a building at 2024 Oakdale and the Youth Activities League is interesed in buying a portion of it. He said the Juvenile Division of the SFPD is interested in a portion of it. He said they have indications that the Juvenile Probation Department and the Department of Social Services may be interested in staffing some of their people there. He said what they are really trying to do is to get to the youth primarily under the age of 12. He said research tells them that there are some predictors and these preditors are well available and well provable by age of 12. He said and if by the age of 12 a youth has a strong sense of family, a strong sense of community, and established position about drugs, alcohol and sex and lastly an attachment to a sober clean adult model other than his or her character then if those four (4) predictors are present there is a strong likelihood that that youth is not going to visit the criminal justice system as either a youth or adult and is not going to become drug dependent on either crack, alcohol or any other type of substance. He said the second direction they would like to move in in addition to this co-locating of services is a diversion program. He said they now have a juvenile diversion program which began approximately eight (8) months ago in the Richmond District called the Youth Court. He said that program has proven itself successful and they recommended that it expand to either the Park or the Ingleside District. He said if they are going to be successful they are going to have to work together and for example there is going to be an Office of Children which is going to be developed out of the Mayor's Office and will come out shortly and it is also a coordinating agency. He said the Boxing Program that the Commission

approved last week has proved successful with some of the kids that they are attempting to reach and those are the kids who are either just in gangs or just about ready to enter gangs. He said they are particularly interested in those youths. He said there are about 1,000 kids in gangs in San Francisco and how many of those they will be able to get they are not sure but they are certainly going to make an attempt and try. He said they are not so much asking the Commission tonight for a vote or a motion but they are presenting this for informational purposes to let the Commission know what extensive involvement they have with the youth of San Francisco today and the directions they currently intend to go. He said there may come a time when a resolution comes before the Commission dealing with the 2024 Oakdale site and at that time he hopes that they will be able to again come before the Commission and urge them to adopt that co-locating of services. He said as part of his presentation there are representatives here tonight from PAL, Ron Exley, Executive Director, who will briefly speak about the direction in which he is moving and also one or two (2) representatives from the community who has experienced success with the diversion program out in the Richmond District and wants to talk to the Commission about that program also.

Ron Exley, Director of PAL, came forth and named a list of PAL Activies, i.e., sailing, football, basketball, soccer and other sports and law enforcement programs such as rifling and pistol training program. He said one of the directions they were going into is some of the hotels that housed homeless children and bring them into an environment where on a Saturday for three (3) hours they would be provided with educational, recreational and tutorial programs. He said the officer that is in charge of that is John Meek from Central Station. He said the other direction would be to buy into 2024 Oakdale and have 12,000 sq. ft. of it for two gyms, a basketball court and also a boxing ring and so on, to provide not only to the Bayview Community which is very close but also to provide to youths many of their recreational activities, their sports programs especially basketball and indoor soccer which they are beginning. He said they are going to have the first Northern California Cycling Team as they have three (3) officers who have been doing this and they have a permit from the Park and Rec. to do it at the Polo Field. He said they are looking at new avenues to get youth and not just street wise youth but youth in general who would like to be associated with good principals and good role models. He then thanked the Commission for the support it has given him over the past five (5) weeks.

Ms. Margaret Brodkin, Executive Director Coleman Advocates, said for them this started a year ago when they started a Children's Project for the city. She said this was done for the welfare of the children in that number one, to make sure that there was adequate protection for the children, and number two, that the youth in trouble who now are not receiving the attention they need to get more preventive kinds of interation from the police department than they have had in the past. She said they have submitted in their Children's Budget a very specific set of proposals of what they thought should be done in order to improve the Police Department's programs for children in need. She said there was a program they initiated in San

Francisco five (5) years ago and Commissioner Nelder authored a Resolution that such a program should be reinstated in San Francisco as it was a very successful program whereby youth upon first arrest were diverted to a program run by the police department in cooperation with community agencies. She said a very important first part of juvenile diversion is the Youth Corp Concepts. She said the second thing they proposed was the expansion of the School Patrol. She said they furthermore proposed the extension of the PAL Program and the Wilderness Program and of the Community Relations Division in terms of its capacity with its outreach to the community and pro-active intervention. She then gave to the Commissioners a copy of the Police Section of the Children's Budget that they submitted. She said they were very pleased to see this effort start and they want to see it develop and continue and anything the Commission can do to make sure that this progress continues would be appreciated.

Mr. Peter Bole, member of the Coleman Board of Directors, said that one thing he wanted to do tonight was to thank Chief Jordan for a very excellent series of meetings. He said he hoped that process can continue. He said they would be very pleased if they could have this dialogue also between the community and the Commission as well as with the Department.

Mr. Francisco Lopez, Vice President of Coleman Advocates and Site Manager of the School District's Child Care Center for Blind Children. He said he also wanted to publicly thank the Chief and the Captain for their New Direction Programs and wanted to encourage the Commission to support that effort.

Mr. Paul Von Berolding said he was involved in the Mission District in a number of ways and a number of Mission District Community Police Forums which met once a month out of which grew the Richmond District Youth Court Advisory Council which he serves on and he is also a member of SF SAFE. He said last night the Community, District Police, SF SAFE and high school students involved in the Youth Court and some of their parents celebrated a successful first six (6) months of the Court's pilot program. He then read some of the facts of what makes the program up. He said he had prepared with the help of SAFE a package for each of the Commissioners of statistics on cases filed by the Court. He then gave some of the highlights of sentences handed down by the Court. "747 hours of community service, 8,000 words on essays were generated, 24 hours of traffic school, 12 hours on alcohol education and 10 hours of counseling. He said so far this pilot program has depended on donations of time and services and it has been a massive volunteer effort made by members of the community and extraordinary efforts made by staff from SF SAFE and officers of the Richmond District Station. He said it has been imperative, they feel, that the local community and the District be a part of this program wherever it may operate. He said so they would urge the Commission to support the Yourt Court concept in whatever way it can. In conclusion, he presented the youth court files for the Commission's perusal.

Mr. Julius Zamacona representing the Ingleside District spoke of enforcement of curfew laws as being one deterrent to Youth Crime and said he supported the PAL and its efforts.

Mr. Tom Fields, citizen of the Richmond District, said he was at the celebration last night for the success of the pilot program of the Youth Court. He said he had been to each one of these Courts and about three (3) years ago he helped start a SAFE Block group. He said he would like to invite the Police Commission to come to the next one on September 27th, 1989 at 4:00 PM on UCSF Campus and what the Commission will see there is something quite rewarding. He said the Commission would see high school kids putting on a real court. He said it is very interesting and the kids have done a great job of being attorneys and jurors and because of this everyone will see better attorneys and jurors in the future and hopefully less defendants as adults.

Karin Loyd Gage, Executive Director of California Community Youth Services, said her agency is one of the agencies in the Richmond District supporting the Youth Project. She said Community Organizations have been involved in providing over 700 hours of Community Service opportunities and in supervising juvenile offenders as they carry out their sentences within a service organizaton. She said she would encourage the Commission's support in continuation of the project within the Richmond District and for expansion throughout the city.

Chief Jordan said he would like to close out this segment dealing with Youth Services just by complimenting all of the speakers who took the time to be down here tonight. He said many of them are on a voluntary basis and spend many hours working with Youth Programs throughout the city. He said he wanted to compliment them for a number of reasons it is just not the fact with what they are doing very diligently and professionally but also what he sees now as excellent coordination and cooperation among the various agencies. He said they are all coming together as a coalition and that is why he likes this 2024 Oakdale proposal as a consolidating point for hopefully in the future where they will see Juvenile Division and Police Activities League and possibly Juvenile Diversion as well as the Department of Social Services dealing with the Youth Referrals all under one close area and one location negating sending juveniles all over SF to five different locations for different referrals. He said what he sees here tonight is building those kinds of blocks and he just wanted to compliment all of the speakers here tonight.

Commissioner Medina said he would like to suggest that the Police Commission be involved in helping the process along.

Commissioner Giraudo said it was suggested earlier that the Commission might appoint a sub-committee to act as liaison for the Commission to Captain Hebel and his group per se and to other Youth Advocates in San Francisco and he would ask that Commissioner Medina and Commissioner Nelder serve as that Committee of two and that in their own time in their own way that they reach out and report back to the Commission as they find it necessary to meet or for anything that they think the Commission

should be hearing. Commissioner Nelder said he felt that the speakers tonight certainly made mention of some very encouraging projects which the Commission should oversee and support so he feels that Commissioner Medina and himself can certainly meet periodically with the Chief and all of the speakers here and hopefully they can expedite some of the things that they anticipate will happen. He said he agrees that 2024 Oakdale sounds like something that should be in effect. He said he feels that the Juvenile Division has been over on Greenwich Street much too long and that it all should be under one roof. He said so hopefully the Commission can keep abreast of it and periodically meet with all of the speakers and bring the full Commission up to date so that it can support it fully.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $867,651 TO PURCHASE EQUIPMENT RESERVED IN A "PUBLIC SAFETY RESERVE" DURING THE 1989-90 BUDGET PREPARATION

Lieutenant John Robinson, of the Fiscal Division, said that during the 1989/90 Budget Presentation this Commission approved replacement of used vehicles and PIC Radios and that request was forwarded to the Mayor who reduced the request which subsequently went to the Board of Supervisors. He said in that reduced request however the Mayor created a public safety reserve hoping that after balancing the budget there would be funds available to fully fund the replacement of vehicles that the Mayor's Office had approved. He said at this time they have informed the Department that the Public Safety Reserve will support those items and therefore the Department is asking that this supplemental appropriation be approved so that it can be forwarded to the Mayor and to the Board. He said the Department however would like for the Commission to amend the amount from $867,651.00 to $423,461.00 which reflects the Mayor's actual budget line and that is what they have funding to support.

Commissioner Nelder said he would make a motion to approve it, Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 1264-89

REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $423,461 TO PURCHASE EQUIPMENT RESERVED IN A PUBLIC SAFETY RESERVE DURING 1989-90 BUDGET PREPARATION

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to $423,461, which will appropriate funds reserved in the Public Safety Reserve so that certain replacement equipment may be purchased.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON APPLICATION OF YOSSEDEK DESTA FOR A MOTORIZED RICKSHAW

Officer Linda Flanders said in 1986 the Police Commission authorized Mr. Desta to apply for a motorized rickshaw and at that time he supplied the first design for a rickshaw permit and it was turned down by the Permit Section as being more of a replica of a Golf Cart than a Motorized Rickshaw. She said he was then given an extension and has now submitted to the Permit Section a second exhibit which they believe represents just a vehicle and not a motorized rickshaw. She said she contacted Mr. John Morris in the City Attorney's Office and asked him for an explanation of what the code meant when it says Motorized Rickshaw and he said it meant the traditional Chinese Rickshaw. She said Mr. Desta's design does not meet that criteria. She said they would therefore request the Commission deny his application based solely on his design which does not mean he cannot come before the Commission again with a future design.

Mr. Yossedek Desta then came forth and addressed the matter. He said he would like to point out that he had not add adequate time to prepare for his hearing tonight. He then pointed out that he had broken down the definition from the code down to eight (8) specific items and desired info on which of those his proposal did not comply.

Commissioner Giraudo told Mr. Desta that the reasoning for the code's definition was for traditional richshaws and to introduce a new form of transportation in San Francisco or a new form of taxicab or limousine or sightseeing bus. He advised Mr. Desta that if he looked into a Motorized Rickshaw as the Commission sees it and knows it today in SF he may find that it cost less money than to do what he is proposing to do here as outlined in his designs.

Commissioner Medina said to Mr. Desta that his design is not acceptable and pointed out what design the Commission would most likely accept. He said he would suggest that Mr. Desta look into this kind of a design traditional rickshaw and comeback to the Commission at a point where it could approve something for him along those lines.

HEARING ON APPLICATION OF YOSSEDEK DESTA FOR A MOTORIZED RICKSHAW

The request of the Chief of Police for a hearing on the application of Yossedek Desta for a Motorized Rickshaw Permit was called, it having been continued from the meeting of September 6, 1989.

Police Commission Resolution No. 498-86, dated May 15, 1986, authorized Mr. Desta to apply for a motorized rickshaw/sightseeing bus permit, and since that time Mr. Desta has not supplied the Taxicab Section with a design of a motorized rickshaw that is acceptable.

The original design of Mr. Desta's rickshaw resembled a golf cart more than a traditional Oriental rickshaw, and the Taxicab Section notified

Mr. Desta that this vehicle was not satisfactory and was allowed an extension of time by the Police Commission to redesign his rickshaw.

Mr. Desta submitted a new design which is a four wheel vehicle with a convertible top which does not meet the requirements defining a traditional Oriental rickshaw.

Mr. Desta also presented oral arguments in an attempt to convince the Commission that his design would meet the requirements of the Code;

The Commission took the matter under submission and made the following decision:

RESOLUTION NO. 1265-89

DECISION

WHEREAS, the Taxicab Section recommended denial of the motorized rickshaw permit to Mr. Desta based on his submitted design, and

WHEREAS, the Police Commission received written and oral testimony in regards to Mr. Desta's request; therefore be it

RESOLVED, that it is the findings and decision of the Police Commission that Mr. Yossedek Desta's application for a motorized rickshaw based on his submitted design be and the same is hereby denied, and be it further

RESOLVED, that it is the order of the Police Commission that nothing shall prevent Mr. Yossedek Desta from submitting within the next four weeks a new design based on Municipal Code Section 1076(g).

AYES: Commissioners Craig, Giraudo, Lee, Medina, Lee

PUBLIC HEARING ON PROPOSED REVISED RULES FOR PATROL SPECIAL OFFICERS AND ASSISTANT PATROL OFFICERS

Mr. Louis Giannini, Attorney for Patrol Special Officers Lawrence Heap and Mr. Labow, said if these new rules are adopted it will take the Peace Officer Status away from them and it will virtually destroy their businesses. He said it will have a strong economic effect on the businesses of all of the Patrol Specials. He said in turn the City and County of San Francisco and the Police Department and the Police Commission are going to have serious litigation problems which will amount to millions and millions of dollars as there are about 80 beat owners out there. He said this will effect the public and the public should be made aware of these proposals and the Commission should not accordingly before they enact regulations which will take away Peace Officer Status for these Patrol Specials.

Mr. Philip Ward said he was here representing the SF Patrol Special Police Officers Association. He said he did not want to prolong these proceedings any more than they already have been this evening and if the Commission would deem it appropriate at this time he would request the Chief present the rule changes and explain to the Commisson to the

degree he feels it necessary and what are the motivating forces and the reasons why after either 50 or 100 years this particular proposal is being suggested to the Commission and she would then respond to the Chief's remarks.

Chief Jordan said he did not in any way mean to down grade the Patrol Specials but he sees them as a loose knit operation where the control is really not there in place for the city of San Francisco for the Patrol Special Officers and he is concerned about it and is finding the more that he delves into it the more complicated it seems to be. He said they augment the police department in many, many ways but he said the way the structure is in place they have the authority to do too much because there contract is with the individual neighborhood resident or business rather than with the SFPD. He said he did not know how to get around it in any other way other than to make the PSO's private patrol person contractors sub-contract out to individuals without holding the city accountable. He said by leaving it just the way it is the city is open for lots of liability that really shouldn't be there and if a way can be found to eliminate the liability factor dealing with the way the Department supervises the PSO's or how the Department handles its supervision and discipline and training in some way that will get the city out of this liability factor and convince the California State Peace Officer and Training that this is a law enforcement rule as a PSO, he said he wanted to see how that could be done.

After listening to further testimony from Lieutenant Ed Pecinovsky and Deputy Chief Willis Casey, Mr. Phil Ward in closing in his response said that what we need to do with respect to responsibility, finances and cost can be talked about between the Department and the PSO's. He said, however, he thinks that the Commission is going to have to make a decision about changing the rules and removing peace officer status. He said if the Commission tells the Department that it will not change the rules, to eliminate peace officer status, but that it has a lot of other concerns about how the PSO's are being managed, controlled, trained, supervised, etcetera, then those can be addressed. He said if the Commission does not make that decision, then he did not believe that those things can be adequately addressed.

Commissioner Giraudo said he would like to ask, with the Commission's permission, that they direct the Secretary to the Commission to go to the City Attorney and seek an opinion with respect to whether or not they, as a Commission, can order from Patrol Special Officers to indemnify the City and County of San Francisco against any actions taken by them out of the scope of their authority and jurisdiction, or whatever the proper terminology is, and whether this Commission can require liability insurance toward that indemnification from those patrol specials. He said he would also like to ask the City Attorney whether or not there is anything that this Commission can do to at least safeguard again, the potential liability regardless of how little the risk may or may not be or has demonstrated itself in the past. He said he would ask that Mr. Ward and Mr. Giannini through their respective clients to consider meeting with representatives designated by the Chief of Police to talk about supervision. He

said he would also like to know from the Department what it can or cannot do to supervise these people. He said he would also like on this issue, some dialogue or decision or compromise or discussion that speaks to the issue of training these people without grandfathering save and except the situation described about training, i.e., who would assume the cost of that, and the type of training. He said he would like proposals from both the attorneys and their clients with respect to boundaries and whether what he is speaking to is contrary to charter law, but he thinks that is a very real problem and some people are concerned about the disciplinary questions. He said the Police Commission needs to have some ability to discipline a PSO so that there is an economic effect and it has some real meaning. He said he was not opposed to patrol specials but he believed the Commission is obligated to look at those issues raised two (2) years ago and raised again presently and he would like for it to be examined thoroughly and see whether the PSO's and this Department can come to a compromise. He said he as one Commissioner was not in a position to vote on the issue of peace officer status at that time and then the Commission can further discuss the request of the Department to change the rules and regulations. Commissioner Nelder said he felt that that was a good idea and he would suggest that the cost factor be entertained by the same token as it used to be where the sergeants who have a span of control of six or seven under him could also supervise a PSO. He said he thinks this can be incorporated. He said the Department has gotten away from that as it was no problem years ago. He said it might not be a cost fact detrimental to the whole situation and probably can be easily absorbed but counsel and members and the Chief's representatives should get together and he would move four weeks.

Commissioner Lee seconded the motion.

Chief Jordan said in response to Commissioner Nelder's comment, that he has a feeling it is more difficult than the Commissioner feels. He said his own reaction is it's a little more difficult but he would certainly give the Commission what it is asking for. Deputy Chief Casey, in responding to the cost for training, said the basic Academy is 600 hours of training and this requires you to have a class of 20 to 40 people in attendance. He said one of the problems with training patrol special officers is that they work eight (8) hours a day so it would be very hard to say how long it would take, how many man hours and the other thing that that has to be taken into account and we talked about peace officer training POST also includes the word "Standards", PSO's must reach the standards required by the State. He said if they don't reach the standards they can't be peace officers therefore they can't be PSO's if the Commission rules that way.

The matter was thereafter continued for four (4) weeks.

RESOLUTION NO. 1267-89

PUBLIC HEARING ON PROPOSED REVISED RULES FOR PATROL SPECIAL OFFICERS AND ASSISTANT PATROL OFFICERS

WHEREAS, the public hearing on the proposed Revised Rules for Patrol Special Officers and Assistant Patrol Officers was called, it having been continued from the meeting of August 30, 1989, and

WHEREAS, Mr. Louis Giannini, Attorney at Law, representing Patrol Special Officer Lawrence Heap and Patrol Special Officer James Labao, presented arguments regarding the proposed revised rules for Patrol Special Officers and Assistant Patrol Officers, and

WHEREAS, Mr. Philip S. Ward, Attorney at Law for Hassard, Bonnington, Rogers and Huber, representing the Patrol Special Officers Association, presented arguments regarding the proposed revised rules for Patrol Special Officers and Assistant Patrol Officers, and

WHEREAS, the Police Commission decided to request a City Attorney opinion regarding several legal matters such as insurance for Patrol Special Officers and indemnification by Patrol Special Officers for the protection of the City and County of San Francisco and for the Chief and the Chief's staff and to see if matters of supervision and Sergeant's span of control as it relates to Patrol Special Officers could be discussed with the status report to the Commission in four weeks; therefore, be it

RESOLVED, that the public hearing on proposed Revised Rules for Patrol Special Officers and Assistant Patrol Officers be continued in four weeks for a status report, on Wednesday, October 11, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

HEARING ON APPLICTION OF RICHARD MIRON FOR THE POSITION OF PATROL SPECIAL OFFICER

Continued one week.

RESOLUTION NO. 1268-89

HEARING OF POLICE OFFICER HENRY J. FIKKERS, TARAVAL STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Henry J. Fikkers, Taraval Station, was called it having been scheduled for this date, and

WHEREAS, it was requested by the Police Commission that the date for the hearing of Officer Fikkers be continued to November 1, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Henry J. Fikkers is continued to Wednesday, November 1, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1269-89

HEARING ON APPEAL OF CHIEF'S SUSPENSION IMPOSED ON POLICE SERGEANT GEORGE TOY, RICHMOND STATION

WHEREAS, the date for the hearing on the appeal of Chief's suspension imposed on Police Sergeant George Toy, Richmond Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by the Police Commission that the date for the hearing on the appeal of the Chief's suspension imposed on Sergeant George Toy be continued to October 11, 1989; therefore be it

RESOLVED, that the date for the hearing on the appeal of the Chief's suspension imposed on Sergeant George Toy is continued to Wednesday, October 11, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

The meeting, thereafter, adjourned at 10:10 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5231M

Minutes

SEPTEMBER 27, 1989 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, September 27, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference.

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SEPTEMBER 27, 1989 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, September 27, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

APPROVAL OF MINUTES OF MEETING OF JULY 5, 1989

Approval of Minutes of Meeting of July 5, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1321-89

NELSON YEE vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the unlitigated claim of Nelson Yee in the amount of $6,699.28 entitled "Nelson Yee vs. City and County of San Francisco" for damages sustained, be, and the same is hereby approved.

Date of Incident: July 1, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1322-89

AMIN vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Amin in Superior Court No. 899-416 in the amount of $1,000.00 entitled "Amin vs. City and County of San Francisco, et al" for damages sustained, be, and the same is hereby approved.

Date of Incident: October 19, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1323-89

LINDA ROSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda Rosen in the sum of $170.00 as a result of an unauthorized tow, be, and the same is hereby approved.

Date of Incident: August 14, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1324-89

SUSAN LUSTY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Lusty in the sum of $150.00 as a result of an unauthorized tow, be, and the same is hereby approved.

Date of Incident: August 8, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1325-89

JACKIE WELLS vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jackie Wells in the sum of $150.00 in USDC No. C88-3408 entitled "Jackie Wells vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 1, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1326-89

EFREM GONZALES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Efrem Gonzales in the sum of $150.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 24, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1327-89

JOSEFINA PADILLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Josefina Padilla in the sum of $125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 14, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTIN NO. 1328-89

GWENDOLYN FAUST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gwendolyn Faust in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: February 14, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1329-89

JAMES E. ROSENBURG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James E. Rosenburg in the sum of $100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 24, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1330-89

DAVID FURGASSA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Furgassa in the sum of $100.00 as a result of an unauthorized tow, be, and the same is hereby approved.

Date of Incident: August 9, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1331-89

JEFF & SUSAN SIMONOFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeff & Susan Simonoff in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1332-89

KARL HEINZ STRUBE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karl Heinz Strube in the sum of $80.00 as a result of an unauthorized tow, be, and the same is hereby approved.

Date of Incident: August 30, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1333-89

REBECCA A. MARSH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rebecca A. Marsh in the sum of $80.00 as a result of an unauthorized tow, be, and the same is hereby approved.

Date of Incident: August 18, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1334-89

ROBERT LAMB

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Lamb in the sum of $80.00 as a result of an unauthorized tow, be, and the same is hereby approved.

Date of Incident: August 1, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1335-89

ROBERT O. BRAIG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert O. Braig in the sum of $80.00 as a result of an arrest tow, be, and the same is hereby approved.

Date of Incident: August 23, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

RESOLUTION NO. 1336-89

GREGG KORNFELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregg Kornfeld in the sum of $23.02 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session today on a Personnel Matter and an Attorney Client Conference and no vote was taken.

(a) PUBLIC COMMENTS

Emperor Arcadia, aka Crown Prince, came forth and said to just forget the titles but as a neighbor that lives in San Francisco he wanted to find out how many years he is to be persecuted by the SFPD for doing nothing but trying to set things straight and show everyone a better way. He said his bus was towed today and he is homeless now thanks to Captain Petrini here who said his bus wouldn't be towed yesterday when Mr. Shockey called him who, three (3) days ago, was told by #1775 that he was going to tow the Emperor's bus this morning. He said so he had to say right to his face that Captain Petrini is a liar or he, #1775, is a liar. He said he had gotten an extension of time from the Chief of Police here sometime ago before the Commission and staff who are all his witnesses he said. He said he saw the Chief again last night and told him he needed the extension of time in writing but the Chief would never do that, he said he shouldn't have come, he parked his bus this morning, he asked the Chief if he call Captain Petrini and tell him to hold off for awhile. He (Emperor) said he has a doctor's order that says he has to be by that water. He said Channel Street is not a street. He said they are persecuting not only him but 200 people as he told the Commission the last time he was here that moving vehicles by using 37a which is for abandoned vehicles is improper and how can a policeman say get out of your vehicles, we are going to tow it because it is abandoned. He said the Judge in the Court keeps dismissing these tickets because he agrees with him (Emperor) that if your vehicle is not moving and you are in it, it is stopped. If it is not moving, he said, and you are in it, it is standing and it is not parked or left standing until you leave the vehicle. He said everytime you come back to the vehicle the 72 hours must be started all over again. He said so he asked the Commission the last time to issue an executive order to the Chief of Police to order him to issue an executive order to everyone under his command to stop making improper 37a cites and concentrating the homeless and he would ask the Commission again to please do that. He said he was in his vehicle when it was towed. He said the Captain said it wasn't going to be towed. He said Lieutenant Pera told Barbar here the supervisor when he called that everything was on hold until they find out if Channel Street was a street. He said so what is going on if the Chief says handle it down there and those guys will not talk to him. He said this guy over here that is in the Chief's Office, Officer Steve Johnson, tells him he can't see the Chief. He said he has known the Chief for 15 or 20 years and if he wants to talk to his friend, the Chief of Police, then that is his perogative.

Commissioner Giraudo asked Emperor Arcadia to take a seat so that Captain Petrini could give the Commission a brief explanation of what occurred.

Captain Petrini said the area of Channel Street was the subject of a complaint from the Port Authority. He said he and his officers from Southern Station went down there and marked the vehicles for a 72-hour tow and subsequently towed a few vehicles from the area. He said the Emperor's vehicle was marked on the 16th and he had a dispute with Lieutenant Pera over whether Channel Street was or was not a street. He said Lieutenant Pera researched that issue and found it is in fact a street and this morning the Emperor's vehicle was towed. Captain Petrini said the first he had heard about the incident was when he received a call from Mr. Shockey yesterday and he told him that they would hold off a day before towing the Emperor's vehicle. He said he also spoke to Lieutenant Pera about that and there was a miscommunication between Lieutenant Pera and himself and the officer who towed the vehicle and the Captain said he takes full responsibility for that, however, he said it was marked eleven (11) days ago but he did tell them that the Emperor would be given one more day.

Commissioner Giraudo then asked if there was someway to retrieve the Emperor's vehicle since the Department did promise him another day?

Chief Jordan in response said that the Department will explore the possibility of seeing what can be done in that respect. He said the only concern that he has is that there has to be some sort of statement made by the Emperor that he will not go back to park in the same place and create this problem all over again.

The Emperor said he did not drive, that the Chief should find them some place for him to park as there is no place for vehicles like his to park.

Commissioner Giraudo said to the Emperor he appreciated that and that he was just trying to resolve the issue of getting the Emperor's vehicle back and he would hope that if the Department marks his vehicle again on a three day notice or 72 hour notice that he would do what he can to move his vehicle and the only reason the Commission is doing this in this instance is because of the miscommunication and there was an additional day promised to him to give him an opportunity to move the vehicle.

The next speaker advised the Commission that his issue involved the proposed bike Rodeo on September the 30th. He said with the cooperation from the SFPD and the SFFD and the PAL Organization who were going to organize the Bike Club for the Police Department to assist them to compete against the Daly City Police Department, he had just received from the Mayor's Office information that this Bike Rodeo has been cancelled by Mr. Joe Robinson because of an insurance problem. He said unfortunately they have other teams from the Bay Area that are also coming here for this event right now and it is a can of worms. He said he would like to advise the Chief of this development and also because the SFPD does appear at the Show lending their assistance along with the SFFD of which he now has to also contact and notify.

RESOLUTION NO. 1318-89

STATUS REPORT ON POLICE OFFICER CLINTON COOPER, PROPERTY CONTROL DIVISION

WHEREAS, the date for the status report on the disciplinary charges filed against Police Officer Clinton Cooper, Property Control Division, was called it having been scheduled for this date; and

WHEREAS, upon advice of Officer Cooper's physician that he is still physically limited, the matter was continued to a later date; therefore be it

RESOLVED, that the date for the status report on the disciplinary charges filed against Police Officer Clinton Cooper is set for Wednesday, December 27, 1989 at 5:30 p.m., Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #T0016 ISSUED TO LARRY AND JUNE ALHADEFF

Officer Linda Flanders from the Taxi Detail said that Mr. Alhadeff's Attorney is going to ask for a continuance which is okay with the Department.

Mr. Ed Solomon, Attorney for the Alhadeff's said he would ask that this matter be put over to the 25th of October. He said he had previously advised the Police Department of the pending request so that there would be no inconvenience. He said also Mrs. Alhadeff, at this time, is going into the hospital with a respiratory system problem.

RESOLUTION NO. 1317-89

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #T0016 ISSUED TO LARRY AND JUNE ALHADEFF

WHEREAS, the request of the Chief of Police for a hearing on the complaint for revocation of Taxicab Permit #T0016 issued to Larry and June Alhadeff was called, it having been set for this date; and

WHEREAS, Mr. Edward Solomon, Attorney at Law, appeared in person representing Larry and June Alhadeff; and

WHEREAS, Mr. Solomon requested that the matter be continued to October 25, 1989 as the principal witness in the case was not present; therefore be it

RESOLVED, that the hearing on complaint for revocation of Taxicab Permit #T0016 issued to Larry and June Alhadeff is continued to Wednesday, October 25, 1989 at 5:30 p.m., Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

REQUEST FOR POLICE COMMISSION APPROVAL OF PROPOSAL OF CITY ATTORNEY TO IMPROVE CLAIMS SETTLEMENTS

Sergeant Larry Ryan of the Police Legal introduced Mr. Ray King of the City Attorney's Office Bureau of Fines to address this subject. Mr. King said that one of the things they have discovered from the City Attorney's Office is that if there is a legitimate claim of which there is going to be no contest it will take approximately six (6) months to get it through. He said most of that claim's time is spent at the end of the line. He then demonstrated how the flow of a claim travels through the process. He said it goes through the Controller's Office and comes to his department 1. Then, he said, it goes to the SFPD for an investigation and recommendation and 2. then comes back to the Bureau of Fines with the recommended settlement and they settled it and 3. then prepare a Direct Payment Voucher and it then comes before the Police Commission for its approval and then back to Police Legal and then back to the Bureau of Fines after which they obtain releases and then they obtain a warrant from the Controller's Office depending on how backed up they are which could be several weeks. He said so what they are proposing is to test this proposal for a year by changing the law so that unlimited claims under 5,000 dollars that do not have to go to the Board once the Department has said, it is their fault please settle it, the Bureau of Fines would then settle it with the revolving fund so that they could write the check then and right out of the City Attorney's Office. He said they think it is almost unconscionable to have someone wait six months but he thinks everyone will find, with the new proposal, that they will not be answering a lot of phone calls both in the Department and in the Claims Office on claims that already have been settled. He said it would cut out a lot of paper work and this change in the law for one year will give them an opportunity to evaluate the process and report back on the results of that test and see where they will go from there.

Commissioner Giraudo said his concern is that often times claims that are filed that are uncontested claims speak to Department procedures, discipline and things that the Commission and Administration has suffered criticism of in the past and are things that have gone by the Commission without the Commission seeing. He said the Commission has raised issues about a number of claims in that area of dollars that has come to their attention as to why and how and it has enabled them to be able to speak to the Chief and his Deputies with respect to things that they wouldrecommend to be given attention.

Sergeant Larry Ryan said the Legal Office would essentially provide the same service that it does now to the Commission and it would be prior to them sending investigated claims to the City Attorney rather than how it is done now, and that is having it sent to the City Attorney, returning it to the Legal Office then going forward with it for further processing and subsequently to the Police Commission.

Mr. John Crew of the ACLU said they certainly would not want to do anything that would hurt the expediting of the problem. He said their concern independent of the Commission's oversight and management of the Department is the public's right to this information. He said right now every week on the Commission's Agenda that is distributed there are 17 claims, some are litigated and some are not. He said their concern is that he thinks the public has a right to know this information and they would not object as long as the process that is developed included this sort of regular weekly reporting to the public of what at least is going out in payments. He said as he understood the proposal that would not be included.

Commissioner Giraudo said to Sergeant Ryan to come back to the Commission with a report as to whether the Commission's practice that is being carried out right now is appropriate.

Commissioner Medina also asked Mr. King to produce a flow chart of how the claim travels in the process and how it gets delayed in its travels.

The matter was then continued for one week.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had no other additional items other than what is remaining on the Calendar.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Langer said he has the privilege of introducing some of people today to the Commission who are currently visiting the Bay Area from Canada to attend the IACOLE Conference currently being held in Oakland. He then asked Mr. Matthew Dixon, Police Commissioner from Calgary, Canada and Cabaret Oberta Cannon with the Lions to stand. He said also Mr. Panther Griffin who is the Citizen Complain Monitor from the Edmonton Alberta Police Commission in Edmonton Alberta, Canada is also here.

Commissioner Giraudo acknowledged their presence and thanked them for being here with us this evening.

Mr. Langer then continued by saying that he had given some erroneous information to the Deputy Chief regarding item 8. (b) on the Agenda and he would like to ask that that item be put over for two (2) weeks so that he could discuss it further with the Chief.

Commissioner Nelder said he would make a motion for a two week continuance. Commissioner Lee seconded and it was unanimously approved for a two week continuance.

PUBLIC HEARING ON O.C.C. POLICY RECOMMENDATIONS

(a) Maximum Prisoner Occupancy for Prisoner Transport Vans

Chief Jordan said the Police Administration met with Director Langer and came up with recommendations in terms of the OCC comments on the

Police Van. He then read them to the Commission and said that he believed there was a consensus of agreement on these comments.

1. "The OCC has recommended that the Police Department adopt regulations which limit the maximum number of prisoners transported in Police Vans to 12. The Policy of the Department at this time is that 12 prisoners is the appropriate maximum. The Patrol Officers Manual, which had been in effect until the present system of General Orders were adopted, provided this in Section A.I-5-4b and it stated, 'Patrol Wagons are limited to carrying twelve prisoners except by authorization of a Commanding Officer.' The Department will continue to follow the Policy of a maximum of 12 prisoners as originally provided in the Patrol Officer's Manual.

2. Additionally, the OCC has raised concerns about the vans being parked in direct sunlight and delays in departure. OCC's recommendations were based upon one case in which demonstrators obstructed and interfered with the processing of prisoners at the van. Delay in transportation was not the result of neglect of officers at the scene. It is currently Department practice to locate transportation vans in an area which is well enough removed from a crowd to prevent interference with prisoner processing. While processing is on-going the doors of the van is left open and one officer is posted outside each van. The doors are closed at the time of departure or exigent circumstances where individuals interfere with the transportation officers."

To further address OCC's concerns, I am exploring the feasibility and cost in modifying the ventilation systems of the Department's Vans. Generally ventilation is adequate for the usually short trip from the arrest site to the booking facility. I will direct our Written Directives Unit to incorporate our present practices regarding van capacity and delays of transportation into existing General Orders for presentation to the Police Commission.

Mr. Langer of the OCC in response to Commissioner Giraudo said that he believed that there is a consensus. He said there are two items he thinks that should be brought to the Commission's attention. He said the first thing is that while there was only one complaint of overcrowding, it has been observed in other instances by people from his organization. He said the second issue is that they are in agreement with the Chief's statement of maximum capacity being located in the Patrol Officer's Manual but the question he has is where will it be now in writing so that the officers can be aware of that Policy.

Chief Jordan said the best way to handle it would be to put it in the form of a General Order so that it is there on a permanent basis. Commissioner Nelder said he would move to accept the Chief's recommendations, Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 1314-89

PUBLIC HEARING ON OCC POLICY RECOMMENDATION: MAXIMUM PRISONER OCCUPANCY FOR PRISONER TRANSPORT VANS

RESOLVED, that the Police Commission hereby approves the OCC policy recommendation on Maximum Prisoner Occupancy for Prisoner Transport Vans and accepts the Chief's recommendation which will be subsequently placed in General Order format and disseminated to all members of the Department.

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

(c) Auto Hit and Run Division Investigation and Staffing

Commissioner Giraudo said he had requested that the Hit and Run Detail come back to give the Commission some explanation. He said he would apologize to Lieutenant Bruce Lorin who was here last week to provide that information for not calling upon him to report at that time, as he did not realize he was present. He said there was a couple of instances spoken to by the OCC and he would just like to hear what the resolution was and why what occurred did occur.

Lieutenant Bruce Lorin, Hit and Run Detail, said the three (3) examples pointed out by the OCC were not examples of a need to change policy. He said the first case in question was regarding the Herb Caen article as he had told the Commission two weeks ago was not a Hit and Run but was just an accident. He said the other two were both misdemeanor cases, one, assigned to the H&R Detail in January which missed the H&R standard review and where there was major damage to the victim's car and it was overlooked. He said the OCC contacted him four days later and the case was assigned and investigated. He said then in June, with regard to the second case, the report reflected moderate damage on one page and major damage on another page and this turned out to be an oversight. He said in that case the victim wrote a letter to the H&R Detail and the case was assigned to an Inspector and investigated. He said he has since issued a memo to his people to reinforce and review the procedure and he has also installed a failsafe system. He said he has made a copy of it and forwarded to the OCC. He said the system is for the victim to be directed to call the H&R Detail if he has any questons. When the victim calls and speaks with an Inspector, the Inspector retrieves the report, gives it a second review and interviews the victim at the same time. He said if it meets the H&R criteria it is assigned for further investigation. He said he feels that a policy change at this time is an unnecessary recommendation. He said when the time comes and the Department is at full staff then they will review the current policy and he was sure they will make necessary changes at that time.

RESOLUTION NO. 1315-89

PUBLIC HEARING ON OCC POLICY RECOMMENDATION: AUTO HIT AND RUN DIVISION INVESTIGATION AND STAFFING

RESOLVED, that the Police Commission hereby accepts the OCC policy recommendation on Auto Hit and Run Division Investigation and Staffing and appropriate action as outlined by Lieutenant Bruce Lorin to correct deficiencies that existed at the time of the OCC recommendation, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $34,993 TO CREATE AND FUND ONE NEW 8178 SENIOR ATTORNEY POSITION IN THE MANAGEMENT CONTROL DIVISION, EFFECTIVE JANUARY 1, 1990

Lieutenant James Tedesco, Officer in Charge, Management Control Division (MCD), said the MCD has requested the Commission's approval to fund a third trial attorney for the MCD. He said hopefully this would be approved by the Board of Supervisors if everything is in place by January. He said basically what they are asking for is funding for a new Senior Trial Attorney who will oversee the operation of a third attorney in the Office as the position would also be a Supervising Attorney to help expedite the current case load.

Commissioner Giraudo said he would encourage his fellow Commissioners to vote for this request as they all have heard much testimony over the past 6 or 7 months about delays of cases coming before the Commission and he has watched very closely the extraordinary energies and efforts that Mr. Gash, MCD Attorney, has had to be placing into the job that, and it is clear to Commissioner Giraudo, that there is much more work there than one attorney can possibly accomplish. He said he thinks in time that the Commission will start to get diminishing returns from Mr. Gash because he is human and he is not a machine and he (Giraudo) is most enthusiastic about getting another attorney to work with the MCD so that the Commission can get this process moving along.

Commissioner Nelder said he would move approval, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 1316-89

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $34,993 TO CREATE AND FUND ONE NEW 8178 SENIOR ATTORNEY POSITION IN THE MANAGEMENT CONTROL DIVISION, EFFECTIVE JANUARY 1, 1990

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to $34,993 to create and fund one new 8178 Senior Attorney position in the Management Control Division, effective January 1, 1990.

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

STATUS REPORT ON POLICE OFFICER EMILY R. FIELDS, INGLESIDE STATION

The date for the status report on the disciplinary charges filed against Police Officer Emily R. Fields, Ingleside Station, was called it having been continued from the meeting of September 20, 1989.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Emily R. Fields appeared in person and was represented by Ms. Colette Jolicoeur, Attorney at Law.

Ms. Jolicoeur made an opening statement on behalf of Officer Fields. She stated Officer Fields weighed 238 pounds in August and on September 12, weighed 240-1/2 pounds. She was 1-1/2 lbs. short of the required 4 lb. loss in September. She said she is now down to 234 lbs. Ms. Jolicoeur stated Officer Fields was on disability caused by exercising, which resulted in her failure to lose the required pounds in September.

A statement was made by Dr. R. Clayton Parson, Police Physician.

Officer Emily R. Fields made a statement on her own behalf.

It was the recommendation of the Chief of Police Frank M. Jordan that Officer Emily R. Fields be given 15-days suspension as ordered by the Police Commission on June 14, 1989 for failure to lose the required weight.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 1319-89

RESOLVED, that the Commission hereby gives Officer Emily R. Fields thirty (30) days to be in full compliance, noting that on November 1, 1989 her weight shall be 230 pounds; therefore, be it further

RESOLVED, that the date for the status report on Police Officer Emily R. Fields is set for Wednesday, November 1, 1989 at 5:30 p.m., Room 551, Hall of Justice.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER PHILIP J. LEE, MISSION STATION

The hearing of the disciplinary charges filed against Police Officer Philip J. Lee, Mission Station, was called it having been set for this date. Officer Philip J. Lee was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Philip J. Lee appeared in person and was represented by Mr. Ray Roberts, Attorney at Law.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement for the Defense was waived by Mr. Roberts.

The following witnesses were called by the Prosecution, were sworn and testified:

Ms. Leah Hess, 1840 Woolsey St., Berkeley, CA
Mr. Jorge Argueta, 47 Crescent Ave., San Francisco, CA
Ms. Debra Lieberman, 1224 6th Ave., San Francisco, CA
Ms. Ellen Ballenchine, 823 Oxford St., Berkeley, CA

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Six color photos of Mr. Argueta showing different areas of his face and body

Exhibit #2 Medical records of Mr. Argueta

The following witnesses appeared for the Defense, were sworn and testified:

Officer Philip Joseph Lee, Jr., Mission Station
Officer Jennifer Lee, Mission Station
Sergeant Anthony J. Fotinos, Mission Station
Officer Dino Zografos, Northern Station
Sergeant Larry Philip Barsetti, Mission Station

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Specification No. 1 is sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer Philip J. Lee be suspended for ninety (90) days, 30 days to be held in abeyance.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 1320-89

DECISION - HEARING OF POLICE OFFICER PHILIP J. LEE, MISSION STATION

WHEREAS, on May 10, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Philip J. Lee, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(1) At all times herein mentioned Philip J. Lee, Star No. 1473 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department, assigned to the Patrol Bureau - Mission Station;

(2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about March 6, 1987, at approximately 2200 hours, the accused and Officer Jennifer Thompson, Star No. 1147, responded to 3120 16th Street. When they arrived the accused and Officer Thompson observed two (2) male citizens leaving a bar who were intoxicated;

(4) The accused approached one of the male citizens and searched him for weapons. This individual was arrested for being intoxicated in public and placed into the patrol car;

(5) The other male citizen approached the accused and asked about his friend. At this time the accused grabbed the second male citizen, pushed his arm behind his back, grabbed his hair at the back of his head, swung the man around and slammed the citizen's head into the hood of a parked car. The accused then swung the citizen around again and slammed his head into the hood of the police vehicle. The accused also continued to twist the citizen's arm behind his back, which resulted in the citizen's left below being broken.

(6) The citizen did not resist, attack or threaten the accused while he was being arrested;

(7) The accused, by slamming a citizen's head against a vehicle at least two (2) times, and by twisting a citizen's arm behind his back during the arrest of the citizen for being intoxicated in public, which resulted in the citizen suffering a broken elbow, has used unnecessary force during the arrest of this citizen, which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which

tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 27, 1989, and on Wednesday, September 27, 1989, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Officer Philip J. Lee are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Ninety (90) days suspension, sixty (60) days to be imposed and 30 days to be held in abeyance for one year.

and be it further

RESOLVED, that the sixty (60) calendar days suspension shall commence on Thursday, September 28, 1989 at 0001 hours and end Sunday, November 26, 1989 at 2400 hours, and be it further

RESOLVED, that the thirty (30) days held in abeyance for one year will be imposed if any violation occurs within the one year period.

AYES: Commissioners Giraudo, Lee, Medina, Nelder
ABSENT: Commissioner Craig

Recesses taken during the hearing of Officer Lee:

8:00 p.m. to 8:05 p.m.
9:02 p.m. to 9:15 p.m.
9:20 p.m. to 9:30 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting was thereafter adjourned.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5242M

Minutes

OCTOBER 4, 1989 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, October 4, 1989 at 1530 hours in a Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.
FEB 8 1990
SAN FRANCISCO

1. Attorney-Client Conference

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

OCTOBER 4, 1989 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, October 4, 1989 at 1600 hours in a Special Meeting.

HEARING OF POLICE INSPECTOR FRANK C. McCOY, INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau, Homicide Section, was called it having been continued from the meeting of September 6, 1989.

Inspector Frank C. McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, was sworn and testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibit was entered into evidence by the Prosecution:

Exhibit #51	Memo of 5/9/88, Request from OCC to Deputy Chief Gurnett for Investigation File of Case #871336939

The following exhibits were entered into evidence by the Defense:

Exhibit N	Receipt from L. Shockey, 5/16/88, outlining receipt of Items 1-4 (Copy of Case 87-1336939 - 151 pages; Copy of Diary-28 pages; Copy of photographs-45 pages; 7 tapes)
Exhibit O	Copy of OCC Complaint Form concerning the Smoot Case, 4/28/88, received by F.C.M. 5/31/88
Exhibit P	OCC Form Used to Make Complaint
Exhibit Q	OCC so-called Pink Card

Exhibit R — Copy of OCC Complaint 048988

Exhibit S — Copy of Complaint Work Summary

Exhibit T — Rough Notes of L. Shockey on Manuel Floyd

The hearing was then continued to Wednesday, October 11, 1989, at 3:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector McCoy:

5:10 p.m. to 5:15 p.m.
5:17 p.m. to 6:11 p.m.
7:50 p.m. to 8:10 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR MARVIN V. DEAN, INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau, Homicide Section, was called it having been continued from the meeting of September 6, 1989.

Inspector Marvin V. Dean appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, was sworn and testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibit was entered into evidence by the Prosecution:

Exhibit #51 — Memo of 5/9/88, Request from OCC to Deputy Chief Gurnett for Investigation File of Case #871336939

The following exhibits were entered into evidence by the Defense:

Exhibit N — Receipt from L. Shockey, 5/16/88, outlining receipt of Items 1-4 (Copy of Case 87-1336939 - 151 pages; Copy of Diary - 28 pages; Copy of photographs - 45 pages; 7 tapes)

Exhibit O — Copy of OCC Complaint Form concerning the Smoot Case, 4/28/88, received by F.C.M. 5/31/88

Exhibit P — OCC Form Used to Make Complaint

Exhibit Q — OCC so-called Pink Card

Exhibit R — Copy of OCC Complaint 0489-88

Exhibit S — Copy of Complaint Work Summary

Exhibit T — Rough Notes of L. Shockey on Manuel Floyd

The hearing was then continued to Wednesday, October 11, 1989, at 3:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Dean:

5:10 p.m. to 5:15 p.m.
5:17 p.m. to 6:11 p.m.
7:50 p.m. to 8:10 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR WILLIAM F. KIDD, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau, General Work Section, was called it having been continued from the meeting of September 6, 1989.

Inspector William F. Kidd appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, was sworn and testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibit was entered into evidence by the Prosecution:

Exhibit #51 — Memo of 5/9/88, Request from OCC to Deputy Chief Gurnett for Investigation File of Case #871336939

The following exhibits were entered into evidence by the Defense:

Exhibit N — Receipt from L. Shockey, 5/16/88, outlining receipt of Items 1-4 (Copy of Case 87-1336939 - 151 pages; Copy of Diary - 28 pages; Copy of photographs - 45 pages; 7 tapes)

Exhibit O	Copy of OCC Complaint Form concerning the Smoot Case, 4/28/88, received by F.C.M. 5/31/88
Exhibit P	OCC Form Used to Make Complaint
Exhibit Q	OCC so-called Pink Card
Exhibit R	Copy of OCC Complaint 0489-88
Exhibit S	Copy of Complaint Work Summary
Exhibit T	Rough Notes of L. Shockey on Manuel Floyd

The hearing was then continued to Wednesday, October 11, 1989, at 3:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Kidd:

5:10 p.m. to 5:15 p.m.
5:17 p.m. to 6:11 p.m.
7:50 p.m. to 8:10 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR ANTONIO CASILLAS, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector Antonio Casillas, Investigations Bureau, General Work Section, was called it having been continued from the meeting of September 6, 1989.

Inspector Antonio Casillas appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, was sworn and testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibit was entered into evidence by the Prosecution:

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AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Casillas:

5:10 p.m. to 5:15 p.m.
5:17 p.m. to 6:11 p.m.
7:50 p.m. to 8:10 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

OCTOBER 4, 1989 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, October 4, 1989 at 1730 hours in a Regular Meeting.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF JULY 12, 1989 AND SPECIAL MEETING OF JULY 13, 1989

Approval of Minutes of Meeting of July 12, 1989 and Special Meeting of July 13, 1989, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1339-89

LIN YAN vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lin Yan in the sum of $12,000.00 entitled "Lin Yan vs. CCSF" in Superior Court No. 886-396 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 16, 1987

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1340-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $4,405.00 as a result of faulty tows, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1341-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $2,650.00 as a result of faulty tows, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1342-89

MONA LISA BARRON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mona Lisa Barron in the sum of $911.75 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 13, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1343-89

JAY LEONARD LEONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jay Leonard Leone in the sum of $625.25 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 15, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1344-89

DENNIS J. WHITTED

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis J. Whitted in the sum of $530.95 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 27, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1345-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $467.50 as a result of faulty tows, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1346-89

CITY TOW (GABRIEL PADDILLA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Gabriel Paddilla) in the sum of $400.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 13, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1347-89

ENA L. HERNANDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ena L. Hernandez in the sum of $300.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 23, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1348-89

MILTON S. MORRIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Milton S. Morris in the sum of $215.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: June 20, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1349-89

CAROLINA LOPEZ vs. CCSF

RESOLVED, that the judgment made by the City Attorney for the claim of Carolina Lopez in the sum of $196.00 entitled "Carolina Lopez vs. CCSF" in Small Claims Court No. 488-750 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 15, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1350-89

MILTON S. MORRIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Milton S. Morris in the sum of $175.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 2, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1351-89

ADILIA GUADAMUZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Adilia Guadamuz in the sum of $125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: March 20, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1352-89

MILAGROS SCHNEIDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Milagros Schneider in the sum of $116.95 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 18, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1353-89

DONALD R. PETERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donald R. Peterson in the sum of $102.50 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 16, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1354-89

KIRBY D. THOMPSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kirby D. Thompson in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 22, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1355-89

LE, NGU TAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Le, Ngu Tan in the sum of $100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: May 30, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1356-89

TOM J. SPINOSA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tom J. Spinosa in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 22, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1357-89

WILLIE L. MINGO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Willie L. Mingo in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 31, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1358-89

CRYSTAL R. SCOTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Crystal R. Scott in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 28, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1359-89

ENEIDA A. MERLOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eneida A. Merlos in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: July 15, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1360-89

HENRY G. WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Henry G. Wong in the sum of $80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1361-89

WILLIE MONROE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Willie Monroe in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 27, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session this afternoon on a Personnel Matter and no vote was taken. He said they also met with the City Attorney for Legal Advice and no vote was taken.

(a) PUBLIC COMMENTS

Emperor Arcadia came forth and stated that SF is the birthplace of the United Nations and it says everyone is welcome and they will be represented. He said, we the people, object to the approval of the minutes in October for public hearing held in July. He said he is offering an order form for a cassette tape copy from the master tape recording for a price of three (3) to ten (10) dollars with the proceeds going to the needy and homeless. He continued by saying that we the people feel that the Office of

the Police Commission should be staffed everyday of the week and not just a few hours on Wednesday. He said therefore he proposes that each Commissioner reschedule his time so as to be in that office one day a week. One Commissioner, he said, on Monday, one on Tuesday, and one each day of the week thereafter. He said the Police Emergency 911 that is on the back of all of the SFPD cars is clogged with phone calls, so he wish to suggest that underneath that or on top of it there should be placed Police Non-Emergency or regular calls and put the phone number there so people can call it. He said the AIDS cure that he discovered is in writing in a store window at....Grocery Store 199 Eddy Street. He said he would thank the Commissioners once again for getting his bus back.

Officer Steve Johnson of the SFPOA said the SFPOA would like to bring two (2) matters to the Commission's attention. He said one took place last Sunday at a Demonstration on McAllister and Hyde Streets where a Sergeant took a prisoner and the prisoner was later lynched and he had to call for backups and emergency assistance from other police officers. He said when the other officers arrived they observed two (2) OCC Investigators in the crowd who apparently weren't working at the time and they did not have any identification on them. He said he believes there is an agreement the Commission has with the OCC that when they are in crowds monitoring demonstrations and police officers are present that the OCC investigators wear some identifying garb and he believes it is a blue jacket with OCC on it. He said he wanted to bring this matter to the Commission's attention because he understands that the Rules, Procedures and Policies of OCC is now being considered by the Commission. He said the second matter they would like the Commission to be aware of is that there is going to be a promotional examination in mid-November for the position of Inspector. He said the candidates of this Department will be taking that still have no date of when that test will take place or its location. He said as the Commission knows this is the beginning of the Holiday Season and many of the members are trying to arrange for trips back east and to the mid-west to be with their families. He said Commissioner Nelder knows that in the past members were given six (6) months notice for examinations and it is now almost getting right down to the wire and they would appreciate anything that the Commission could do to assist them in getting some information from the Consent Decree as to when the examination might take place. Thank you.

Commissioner Nelder said he feels that that is a reasonable request not to hold the Examination during the course of the Holiday Season and he thinks that should be made to the Civil Service Commission because ultimately they would be conducting the Examination.

Chief Jordan said they do have a date that is set for the Exam now.

Deputy Chief Will Casey said that to his knowledge at this time, the week of the 13th, November 13th is the week of the Exam unless there is a change.

Commisioner Giraudo said on another subject, it is his understanding that the Chief and the Director of the OCC have been meeting about procedures and rules with respect to observations, investigations, etcetera. He said he, for one, would express the concern that when the OCC Investigators are in the field and at demonstration that they have some identification so that they are identifiable. He said but he feels sure the two Department Heads are working this out so that there will not be these configurations that have been brought to the Commission's attention these last few months.

Chief Jordan said that he and Mr. Langer had met again today along with four (4) of the Chief's Deputy Chiefs and there is going to be a third follow-up meeting next week to look at what the parameters are for OCC when they go out to demonstrations, what the Officers can expect and what they are wearing and what areas they should or should not be in and how both can know each others role so that some of these confusing issues don't come up in the future. He said they have made progress in the last few weeks and will continue to do so. He said they will bring forth all of this information to the Commission as the process closes.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had no additional items than what is on the agenda for tonight.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer said he had three (3) brief items and one is that the OCC July 1989 Statistical Report is ready and he has provided copies for the Commissioners and the Chief and he is asking the Commission to review it and if there are any questions he would hope they would be addressed next week. He said the second item is that Investigator Larry Shockey made contact with four of the five Commissioners and advised that the OCC, on the 20th of October, would be conducting the Video Taping of their Pro Bono Hearings processing and if the Commissioners know any volunteers or any people they would like to volunteer to assist the OCC in the project to let him know. He said also before the Pro Bono Process could go forward and prior to being completed they have just received a bill for their last hearing which was 3,800 dollars and he thinks that the taxpayers money on this process is well spent. He said the third item is that in the past two (2) years the Commission has supported the OCC and along with the Mayor's support, the OCC has increased its staff from 14 to 18 people which is a very significant increase in their eyes. He said the problem they are having is that they are down approximately six (6) positions and they are having a great amount of difficulty in filling some of those positions. He said two (2) people are leaving in a week and a half and one of them is going to the Police Department as a Dispatcher and another is going to the Social Services Department. He said they have been in Constant contact with the Civil Service Commission and because of all of the various practices that take place in Civil Service they anticipate a backlog and are resolved that their

staff for a period of time will be of only 12 people. He said their major concern is to continue to move ahead in a positive way.

PUBLIC HEARING ON O.C.C. POLICY RECOMMENDATION

(a) Application and Enforcement of Obstructing Streets and Sidewalk Laws (Section 22A of the San Francisco Municipal Police Code) and Public Hearing on Proposed General Order as submitted by ACLU on September 13, 1989

Chief Jordan said the Department has pursued this issue, looked at the proposed General Order by the ACLU, looked at the recommendations of the OCC and looked at the Department's situation as it stands now in regards to what the officers are supposed to be knowledgeable of and also any information bulletins. He said the Department agrees that a Training Bulletin or something of that fashion should certainly be written so that all officers will see exactly and clearly of what the Department expects so that there will be uniformity throughout the nine (9) District Stations and in the Special Operations Bureau, the Tactical Teams or whatever capacity they maybe working in in that particular section at any time so their is uniformity. However, he said, they do have some concerns that they have instructed Deputy Chief Willis Casey to pursue at the Legal Office mainly in terms of the language just looking at the proposed General Order that has been submitted by the ACLU. He said he knows a great deal of this came from the District Attorney's Training Video Tapes some time back. The information, he said, is valid it looks very, very good but some of the concerns they have is with the language and they want to be sure that the Department's Legal Office verifies, as an example, some sections that state that "if there is an infraction all persons committing this offense shall be either releases"-----in other words, he said, they are saying what they shall do. He said he thinks what they should really look at is possibly an option there. Let the officer have some discretion. If they may be cited they may be released but also maybe they could be given a warning of some nature so the Department wants to be sure if there is any latitude that the officers could look at the discretionary issue. He said another section shows that a violation of Penal Code Section 647c constitutes a misdemeanor: "All persons committing this offense shall be cited and released under one or more exceptions listed in General Order I,5". And there again he said one is looking at a warning to be used. He said so all they want to do is just clarify what is written in this proposed General Order with what the Department's Legal Office might see would be a little more helpful in terms of discretionary powers of a police officer. He said for the basic concept, they have no difficulty with, and the Department would like to pursue both, what OCC's recommendation and the ACLU's recommendation is in the form of a Training Bulletin.

Officer Steve Johnson of the SFPOA said that he had just had a chance today to look over this proposed General Order and in theory it is excellent but in reality it is totally impractical. He said the Order demands that the police officers fulfill five (5) requirements. He said one of the

requirements on blocking the sidewalk is for the officer to determine whether or not the suspect is doing this wilfully or is just confused. He said this is a matter that is difficult to prove in a court of law. He said also under Section 3D1 under page 3, "The Officer will be required;" here he/she has no option; "but will be required to determine that there must be a victim who was in fact individually and personally obstructed for each and every person who is cited or arrested." He said, again, theory yes, reality, practicality, no. He said whichever the case the SFPOA would like the opportunity to meet with all parties.

Mr. John Crew, ACLU said he was glad to see Officer Johnson here today and share the SFPOA's perspective. He said he thinks, unfortunately though, that it is a fact of law. Five elements, he said, are listed in this General Order, and are required for every arrest or citation in this event. He said in fact he thinks that Officer Johnson makes the point very well that this is intended to be a very narrow statute that is only going to be applied if you have all of these five elements. He said according to the District Attorney and according to prior policies of this Department you do need a victim and you do need to show wilfulness and you do need to show malice. He said obviously that does narrow the scope of when this law and this tool could be used. He said apparently officers are under the mis-impression that there is further latitude and the ACLU concern is that the law be spelled out to the officers. He said they would still encourage the Commission to adopt a General Order for the following reasons:

1. This Department already has a Training Bulletin that is seven (7) years old on the enforcement of 647c. The General Order is the strongest form of policy for the Department and clearly in the ACLU's mind the prior training bulletin is inadequate.

2. A General Order is something that this Commission should decide after some public discussion and debate what the appropriate wording is. He said the final request is that if they could set a time frame for when the Legal Office could get back so that they could have some expectation of how long this might take.

Chief Jordan said that looking at exactly what is here he believes that the Department can have this resolved through the Legal Office within two (2) weeks.

Mr. Crew said he could not be here in two weeks and preferred three weeks if possible. Chief Jordan said he had no problem with three weeks. The matter was then continued for three weeks.

RESOLUTION NO. 1337-89

SALE AND TRANSFER OF PATROL SPECIAL BEATS 53 AND 79 FROM PATROL SPECIAL OFFICER WILLIAM G. CAVE TO STEVE R. RUSSO

WHEREAS, Patrol Special Officer William G. Cave has requested permission to sell and transfer Patrol Special Beats #53 and #79 to Steve R. Russo, and

WHEREAS, Patrol Special Officer William G. Cave and Steve R. Russo have entered in an agreement for the sale and transfer of Beats #53 and #79, and

WHEREAS, all requirements of Rule 1.53 of the current Rules and Procedures of Patrol Special Officers have been met; now therefore be it

RESOLVED, that ownership of Patrol Special Beats #53 and #79 are transferred from William G. Cave to Steve R. Russo and, that Steve R. Russo is hereby appointed as a Patrol Special Officer with the exclusive right to conduct business as a Patrol Special Officer on Beats #53 and #79.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1338-89

SALE AND TRANSFER OF PATROL SPECIAL BEAT 57 FROM FORMER PATROL SPECIAL OFFICER LAWRENCE HEAP TO STEVE R. RUSSO

WHEREAS, former Patrol Special Officer Lawrence Heap has requested permission to sell and transfer Patrol Special Beat #57 to Steve R. Russo, and

WHEREAS, former Patrol Special Officer Lawrence Heap and Steve R. Russo have entered in an agreement for the sale and transfer of Beat #57, and

WHEREAS, all requirements of Rule 1.53 of the current Rules and Procedures of Patrol Special Officers have been met; now therefore be it

RESOLVED, that ownership of Patrol Special Beat #57 is transferred from Lawrence Heap to Steve R. Russo and, that Steve R. Russo is hereby appointed as a Patrol Special Officer with the exclusive right to conduct business as a Patrol Special Officer on Beat #57.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

REQUEST FOR POLICE COMMISSION APPROVAL OF PROPOSAL OF CITY ATTORNEY TO IMPROVE CLAIMS SETTLEMENTS

Contined for two weeks.

At this time the Commissioners resumed its hearings in the McCoy, et al disciplinary matters. Commissioner Giraudo announced that at this point and time the Commission would deny Mr. Lassart's motion made at the beginning of the Hearing and the Defense, Mr. Lassart may resume cross examination of Mr. Shockey.

After futher hearing of cross examination of Mr. Shockey, the meeting was adjourned at 8:55 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5297

= Minutes

OCTOBER 11, 1989 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, October 11, 1989 at 2:30 p.m. in Closed Session.

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Commissioner Giraudo presiding.

1. Attorney-Client Conference

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

OCTOBER 11, 1989 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, October 11, 1989 at 3:00 p.m. in a Special Meeting.

At this time Commission Giraudo read into the record the Commission's decision on motions filed by Defense Attorneys: I. Discovery Motion: The Commission denies the motion because it is moot. II. Alleged Bias of Commissioner Craig: Defense Attorneys request to question Commissioner Craig concerning allegations of bias, the Commission denies this request. III. Calling the Inspectors as Witnesses: The Commission will allow Mr. Gash to call the Inspectors as witnesses at his discretion.

HEARING OF POLICE INSPECTOR FRANK C. McCOY, INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau, Homicide Section, was called it having been continued from the meeting of October 4, 1989.

Inspector Frank C. McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibits were entered into evidence by the Defense:

Exhibit U Letter from Mr. John Prentice, 10/5/89, Re: File No. C89-71 MEG - Inspector Marvin Dean

Exhibit V Superior Court Juvenile Court Petition No. 113079

Exhibit W Audio cassette tape of interview of Aissa Smith conducted by Inspector McCoy

Exhibit X Audio cassette tape of interview of Aissa Smith conducted by Inspector McCoy

The hearing was then continued to Wednesday, November 8, 1989, at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector McCoy:

4:13 p.m. to 4:48 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR MARVIN V. DEAN, INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau, Homicide Section, was called it having been continued from the meeting of October 4, 1989.

Inspector Marvin V. Dean appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibits were entered into evidence by the Defense:

Exhibit U Letter from Mr. John Prentice, 10/5/89, Re: File No. C89-71 MEG - Inspector Marvin Dean

Exhibit V Superior Court Juvenile Court Petition No. 113079

Exhibit W Audio cassette tape of interview of Aissa Smith conducted by Inspector McCoy

Exhibit X Audio cassette tape of interview of Aissa Smith conducted by Inspector McCoy

The hearing was then continued to Wednesday, November 8, 1989, at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Dean:

4:13 p.m. to 4:48 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR WILLIAM F. KIDD, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau, General Work Section, was called it having been continued from the meeting of October 4, 1989.

Inspector William F. Kidd appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibits were entered into evidence by the Defense:

Exhibit U Letter from Mr. John Prentice, 10/5/89, Re: File No. C89-71 MEG - Inspector Marvin Dean

Exhibit V Superior Court Juvenile Court Petition No. 113079

Exhibit W Audio cassette tape of interview of Aissa Smith conducted by Inspector McCoy

Exhibit X Audio cassette tape of interview of Aissa Smith conducted by Inspector McCoy

The hearing was then continued to Wednesday, November 8, 1989, at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Kidd:

4:13 p.m. to 4:48 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR ANTONIO L. CASILLAS, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau, General Work Section, was called it having been continued from the meeting of October 4, 1989.

Inspector Antonio L. Casillas appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibits were entered into evidence by the Defense:

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AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recess taken during the hearing of Inspector Casillas:

4:13 p.m. to 4:48 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The matter then recessed for the evening with another date set to resume the hearing and the Regular Meeting commenced.

APPROVAL OF MINUTES OF MEETING OF JULY 19, 1989

Approval of Minutes of Meeting of July 19, 1989, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1367-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $2,605.00 as a result of faulty tows, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1368-89

JOHN C. SLOTTEN vs. CCSF

RESOLVED, that the judgment made by the City Attorney for the claim of John C. Slotten in the sum of $2,012.00 entitled "John C. Slotten vs. City and County of San Francisco" in Small Claims Court No. 73889 (San Mateo) as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 7, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1369-89

FARMERS INSURANCE GROUP (INS: RICHARD SILVA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Farmers Insurance Group (Ins.: Richard Silva) in the sum of $1,322.57 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 18, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1370-89

MARY SHRUM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Shrum in the sum of $225.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 13, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1371-89

JENNIFER LUTES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jennifer Lutes in the sum of $200.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 24, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1372-89

ROBERT A. KADIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert A. Kadie in the sum of $175.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: July 20, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1373-89

CORNELL JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cornell Johnson in the sum of $150.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 31, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1374-89

JOYCE WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joyce Williams in the sum of $125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 30, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1375-89

ADAM FRANKEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Adam Frankel in the sum of $125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 27, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1376-89

OSCAR WILLIAMS, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Oscar Williams, Jr. in the sum of $110.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: September 4, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1377-89

IRIE PUSHIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Irie Pushia in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: March 4, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1378-89

LEE A. WANETIK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lee A. Wanetik in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 9, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1379-89

MIKE HO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mike Ho in the sum of $100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: September 1, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1380-89

VICTORIA SANTOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victoria Santos in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 10, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1381-89

CHRISTINE PUSKAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Puskas in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 6, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1382-89

JAMES C. MORRIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James C. Morris in the sum of $100.00 as a result of an

illegal tow, be, and the same is hereby approved.

Date of Incident: August 14, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1383-89

KEVIN SCARPELLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Scarpelli in the sum of $100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 26, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1384-89

BRIGILLE PLATE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brigille Plate in the sum of $90.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 27, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1385-89

JOHN HOLDEN

RESOLVED, that the judgment made by the City Attorney for claim of John Holden in the sum of $86.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 9, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1386-89

LISA M. STALIANS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lisa M. Stalians in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 1, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1387-89

EDWARD L. FREYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claidm of Edward L.

Freyer in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 24, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1388-89

HILLARY KRAMER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hillary Kramer in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 12, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

CITIZEN'S APPRECIATION AWARD

Cancelled and to be considered at another time.

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met this evening in Executive Session on Personnel Matters with the City Attorney and no vote was taken.

(a) PUBLIC COMMENTS

Diane Christensen, Shop Steward for Local 790 and Investigator with the Office of Citizens Complaints. She said she was addressing the Commission out of the concern of the introduction of OCC Investigator, Larry Shockey's Personnel File into the misconduct hearing of police officers. She said the way his personnel file was obtained is questionable if not illegal and she would like to ask the Commission to conduct an independent investigation, if necessary, with private investigators to find out how that personnel file was obtained.

Commissioner Giraudo advised her that there was no introduction to the file, there were questions pertaining to it but there was no introduction and the Commission did then tell Mr. Lassart at that point that those questions were not proper and irrelevant and out of order.

Commissioner Giraudo continued by saying however he was not sure what the investigative power would be with respect to the OCC in terms of this Commission as they have been counseled in the past that such matters are within the purview of the Director of the OCC and not this Commission but he would seek advice of the City Attorney to find out whether this Commission has that power of investigation.

Mr. John Wahl, spoke of what he termed as an armed occupation of the Castro District during a demonstration by a group known as ACT-UP on October 6, 1989.

Ms. Carlene Williams, President of the Tenants Association at Valencia Gardens, said she was here to speak for the tenants there. She said this is a complaint but it is also a cry for help. She said they, as tenants there, are tired. She said they are disgusted and very upset. She said when they call they did not receive proper response from the police and they have nightly shootings. She said sometimes it happens three to four times a night and when the police are called they don't even show up. She said there has been rumors that some of the SFPD Officers are taking payoffs from the drug dealers there. She said she really did not know if they are because she has no proof but she has seen some of the SF Drug Policemen walk through the area and pat some of the drug dealers who are women on their rear ends. She said that doesn't look good at all. She said they have had meetings with Captain Brush and he knows when their meetings are held and he knows that he has an open invitation to come to these meetings. She said for awhile he was coming but for a last couple of meetings nobody from Mission Station showed up and they were invited because she personally called them. She said Captain Brush has promised them a lot of things but he has not responded on any of the things that he promised to do. She said they were also promised that the plainclothes officers would be taken away, which they did, and put them in uniform and that they would be patrolling the Valencia Gardens Area but they haven't seen a police officer over there now in six (6) weeks. She said a couple of nights ago there were some youngsters trying to vandalize a car, she was in her window watching, called 911 and received great response from the dispatcher but when the dispatcher finally did get someone to answer the call they drove by shined the light on the kids standing out there with bricks and bottled, made a U-turn and went back to Mission Station. She said they have now called another meeting with Captain Brush and some of the Police Officers of Mission Station on the 19th of this month hoping that they will receive some response and if not she shall return to this meeting again but hopefully she would be able to come back with some positive remarks.

Commissioner Giraudo asking for a clarification of the date place and time of the meeting and receiving the answer then heard from Chief of Police Frank Jordan.

Chief Jordan said he would like to have the opportunity at the next Commission meeting to have a member of Mission Station and some of their Narcotic Enforcement Teams come in and respond to the statements that the President of the Tenants Association just made. He said he would like to verify the amount of Police Officers who were there and how often they do police the area. He said he has been out there himself in the last couple of weeks and he has seen uniformed officers but he wanted to know just exactly how many so they can see it in a little better light than they have heard tonight.

Commissioner Giraudo said perhaps that would be valuable for the Commission to hear and perhaps they should invite the Tenants Association to be present and that would be two (2) weeks from this evening because the Police Commission will not be meeting next week. He said that will be the 25th of October and the Department will have members from the

Mission Station and the Narcotics Division here to discuss this issue and he would encourage the Administration of the Police Department to make sure that there is representation at that meeting. He said in addition to Captain Brush at that meeting he thinks it would be very important if someone from the Hall of Justice or from the Chief's Administration be present.

The next speaker was Mr. Tony Travers, member of the Harvey Milk Lesbian Gay Democratic Club Executive Committee who said he was on Castro Street on Friday, October 6 in the evening. He then told of his experience and what he had seen done by Police Officers that night.

Allen Beruphy, member of the Human Rights Commission Lesbian and Gay Advisory Committee. He also spoke of what happened that night in the Castro saying that he was not in the march. He said he saw police officers hitting people and running over people with motorcycles. He said what he wanted to do was to be assured that nothing like this would happen again in any neighborhood whenever they are trying to do their best to fight for their lives in the face of the AIDS Epidemic.

The list of other speakers where as follows and the text of their statements were taken in shorthand form by CSR Linda Pransky and is on file in the Office of the Police Commission.

Hank Wilson, Scott Reed, Nick Hauber, Ray Ross, Thomas Calvinees, Kathryn Cusack, Richmond Young, Jerry Allsop, Gerard Hoskovitch, Ed Dwyer, Neil Mollat, Chris Costa, Richard Alman, Richard Terry Tauch, Jean Harris, Charles Corvallo, Steven Fish, Martin Sailop, Bill Shusanberg, Eric Carlson, Ken McPherson, Alex McDonald, John Crew, William, Lester Almstead Rose, Steve Johnson, Stypman.

COMMISSIONER GIRAUDO: I would like to make a few remarks if I might. I would like to make a few remarks if I might and then I want to, to give the microphone over to Commissioner Gwenn Craig and then on to Commissioner Jose Medina and of course any other Commissioner that wishes to speak.

I would say that this is not a time for the Police Department to circle the wagons. This is truly a time to take a look at the policies that this Commission put into place, the policies that we expect to be followed, and to investigate as a Commission whether or not they were followed in this particular incident and whether they will be followed in the future. I believe that we have a problem and the problem is a problem of education, it's a problem of sensitivity, it's a problem of ignorance, and we need to take a look at it and we need to address it.

I've heard from many people in the last few days that have called me at home, people that are friend of mine, people that participated, people who were victimized in their words by virtue of what occurred on Friday night, people that I have a great deal of respect for, whose opinions mean a lot to me as a person and as a Police Commissioner. I think we have to understand as a Commission and we have to come to philosophic base and understanding of what civil disobedience is and what it means, what it means to those who exercise their right, their constitutional rights and what it means to those

people who may or may not have their rights transgressed by that exercise and what appropriate police action is or isn't and whether or not police, whether it be a tactical squad or Mission Station or any other station, need to be there in numbers or need to be there at all in different instances.

People that spoke to a policy change. There has not been a policy change directed by this Commission that adopted those policies and if in fact at the end of the day pursuant to our inquiry as a Commission that we find out that someone took it upon themselves to change the policies that were laid down by this Commission and developed by the community and your administration, Chief, then we're going to have further problems. There needs to be in this instance and all other instances accountability and we need as we have been asked to for sometime now to exercise what our responsibility is and our accountability as believe that we need to come back in this hearing room and we need to have a full explanation of what occurred and we need to have the questions answered that have been asked and that will be asked by this Commission and I would ask that we could so in three (3) weeks from this evening. There are Commissioners that have some idea as to how that proceeding should go or how it should proceed, if you will, and I would like first to ask Commissioner Gwenn Craig to express her mind and then Jose Medina and then I would like to wrap it up unless others have something to say.

COMMISSIONER CRAIG: I was not a witness to the events of Friday evening, the rally, the march, the demonstration by Act-Up and their supporters. Both of the Chief and I received a short briefing on the chronology of events Friday night and I should say President Giraudo was there as well, by the event commander and the tactical commanders, Captains Richard Cairns and Robert Fife and we viewed the Police Department videotape and the Chief and I were also given a chronological account of events of Friday night by Act-Up members on Saturday afternoon. In addition, I've received many calls from members of the public who were witnesses to the events on Castro Street to give me their version of what occurred there. In spite of having received all of this information, hearing all of the stories and even in spite of hearing all of the testimony here tonight, I'm still left with unanswered questions. Some of these accounts conflict with others and all of them do not add up to the full picture. We will need to bring forth further clarification and further information and determine what is true and what is not. There are citizens who are bringing serious charges of misconduct by police officers at the scene. Those complaints will need to be investigated and if charges are sustained, I pledge that I will do all in my power to see that justice is served.

But the larger questions do not pertain to individual offenses by police officers as serious as those made by protestors or by onlookers. What I find most perplexing and most troubling are these questions. How could city streets of any neighborhood in San Francisco be declared off limits to persons going about their lawful business, placing any and other such persons in a position of being subject to arrest? How could crowd control tactics for a demonstration of this size and nature in which all protestors engaging in civil disobedience have been arrested according to

procedure now come to include the cancellation of civil liberties for any and all persons in a four block area? Whether or not we agree with their message or their tactics, as long as they are lawful and do not injure persons or property, people must be allowed to demonstrate their views and anger. People that wish to do so must know that they can come without facing a violent response from police. I was a participant in Saturday night's rally and march in the Castro and I witnessed the Police Department is able to police that type of demonstration and accomodate protestors even when they had not announced their intentions and their route. I want to commend Captain Brush and the officers who were involved for a job well done.

As you've heard here tonight, this incident has created fear, confusion and an errosion of trust in San Francisco's Police Department. Those citizens are counting on you, Chief, and all of us to take swift, strong action to see that wrongdoing is published and that changes are made and that this never ever happens again.

I have a series of questions which I wish to pose to Chief Jordan and we would like the responses and the answers and the information that these questions require to come back to the Commission in three weeks time at our Commission meeting.

And the questions are these:

1. Who was in charge of the policing of Friday night's demonstration march by ACt-Up; who else was involved in planning for the event?

2. Who made the decision as to what numbers and what types of officers, that is from which units or districts would be deployed?

3. How many officers were assigned to the detail of this event and from what stations and/or units did they come?

4. How are decisions generally made as to the numbers and types of officers deployed for demonstrations, what factors are considered?

5. Who made the decision that Act-Up demonstrators would be confined to the sidewalk, what was the reason for this change from previous practices in Act-Up demonstrations in which they would close off one or more lanes of traffic and accomodate marchers will be confined to the sidewalk or protestors allowed to march in the street?

7. Is the OCC in any way in discussions prior to, involved in discussions prior to demonstrations and are they informed as to what is expected in terms of numbers of demonstrators and police officers; were they informed as to the scope and scale anticipated for Friday's demonstration, particularly the number of police officers that would be deployed to the scene?

8. It has been reported in the press that chemical weapons, specifically tear gas launchers were viewed as being at the scene at Friday's demonstration and being handled by police officers and we heard that here tonight as well. Is it true that the police brought chemical weapons with them to the scene. Is it common practice to be equipped with chemical weapons at demonstrations?

9. What factors are considered in determining whether a demonstration or disturbance is classified as a riot?

10. Was the scene on Castro Street after Act-Up marchers arrived classified as a riot?

11. Who made the decision to issue the order to demonstrators at Castro and Market Streets to disperse or otherwise be subject to arrest; how was that decision made; was the decision made in planning for the event that this would occur and any other time prior to arriving at Castro and Market Streets or was it made at the scene?

12. Who made the decision to issue the order to persons on Castro Street and 18th Street to disperse or else be subject to arrest. How was that decision made, what factors were considered?

13. Were any other police officers higher in rank than Captain Cairns and Fife on the scene at that time that the decision was made and the order issued to persons on Castro and 18th Street to disperse or otherwise be subject to arrest; was anyone of higher rank consulted prior to the order being given, was anyone higher in rank informed of the situation at the scene and the order being given during this time?

14. What was the exact area covered by this order issued to persons on the street?

15. How was the order to persons on the street carried out; were persons permitted to enter the area, were persons permitted to leave the area; were persons permitted to exit from homes and businesses on the street within the area?

16. Did police enter any homes or business in pursuit of persons or for any reason during the incident?

17. Did any police officers use their batons during any time of this incident. If so, did use comply with Department regulations; did all other crowd control tactics employed comply with crowd control regulations?

18. Who made the decision to withdraw police officers from the scene of Castro, Market and 18th Streets, how was this decision made; what were the conditions of the area when the police began their withdrawal?

19. How much time elapsed when marchers reached Castro and Market until the time when the dispersal order was issued to persons on the street; how much time elapsed from the when the order was issued when the police withdrew?

20. How many persons were arrested at this incident from the rally at the Federal Building when police withdrew from Castro Street, what were the charges?

21. How many police were injured during the entire incident, what was cause and nature of the injuries, how many citizens were injured during this incident and cause and nature of those injuries?

22. In what way are officers trained to handle incidents of this nature and in the manner in which this incident was handled?

And finally,

23. Chief, are you satisfied that the Department policy and procedures were adhered to in this incident?

I'll be presenting you with a written copy of these questions tomorrow.

COMMISSIONER MEDINA: Commissioner Giraudo, fellow Commissioners, after having received a number of phone calls over the past few days and after reviewing events of the past year, I came prepared to make some remarks and also some recommendations.

Specifically, the time has come to abolish the tactical unit, more commonly referred to as the Tac Squad. Its viability and usefulness have come into question, it is a concept whose time has passed. The Tac Squad was created in the 1960s to cope with anti-Vietnam War demonstrations. At that time, Tac units were formed in cities all over the United States and were considered viable to the preservation of national security. In truth, there is nothing more vital to the well being of this country than to be able to exercise one's first amendment rights without interference. Tactical units are provided with military training to more effectively deal with confrontations. Recent incidents, however, tend to indicate that the very presence and subsequent action by this unit tend to escalate the situation. The 60's are over. The Vietnam was has ended and it is time to redirect the Tactical Unit in favor of more contemporary and enlightened police methods.

At the present time crowd control is only one responsibility of the tactical unit. They should be primarily relieved of this aspect of their work and allowed to carry out their other duties, specifically bomb procedures, barricaded subjects, hostage procedures, fire and earthquake procedures and evacuation procedures which they have performed with distinction. At the present time, we have an exemplary crowd control policy that recognizes first amendment rights. We need more appropriate methods to carry out this policy and I am therefore prepared to move that this Commission schedule this aspect of crowd control policy for a hearing, specifically that we separate the tactical unit from crowd control and find a better way in which to be able to implement our new crowd control policy.

PRES. GIRAUDO: Would you be asking for that to be part and parcel of the hearing that we will have with respect to this particular incident or would you like to have that separate?

COMM. NELDER: I think that should be separate, Mr. President, because this issue should be focused on what happened Friday night and that issue has to do with the structure of the Department. I think they should be separated.

PRES. GIRAUDO: Did you wish to say anything, Commissioner?

COMM. MEDINA: I'm in agreement with Commissioner Nelder that this should be a separate item that we should discuss specifically but my recommendation and I'd like to have that voted on, is that we abolish the tactical unit as it now stands.

COMM. NELDER: I think I'd like to hear a response from the Chief on all these matters and would three (3) weeks be sufficient time, Chief?

PRES. GIRAUDO: I think if I might, Chief, before you respond to Commissioner Nelder. I personally would think it would be inappropriate for you to try to respond to the multitude of speakers that spoke this evening. I think that you and your staff need to get yourself fully informed with respect to all the issues that have been raised and that in three week's time when we have this hearing that you find yourself well prepared to answer the questions that are being posed and the issues being raised.

I would think that in three weeks time -- you can say whether you think it is sufficient or not, but I think three weeks time should be sufficient and I think that perhaps we would calendar Commissioner Medina's for public hearing on the fourth week here from, four weeks from now and the other one three weeks from now.

And Chief, if you wish to say something tonight, you're welcome to do so, I personally believe it would be more appropriate for you to address the issues that were raised this evening after you've had time to become fully informed.

CHIEF JORDAN: I appreciate that, Commissioner. The only think I would add, obviously I too after listening to what I've heard here tonight, the whole issue of circling the wagons, I certainly, I don't believe that's going to happen either. I don't intend as Chief of Police in circling of wagons but to look at this in a very open way, I'm already conducting my own critique and evaluation of the policies and procedures of the Friday night issue. The Office of Citizen Complaints are handling the complaints from citizens and dealing with whatever complaints have come in there in terms of the allegations of any kind of unauthorized use of batons or excessive force in any way. I definitely will guarantee you that three weeks should be enough for us to come up with a complete statement of exactly all the questions what Commissioner Gwenn Craig has asked, we'll be able to go through it item by item.

The other item I would have to seriously consider in terms of talking about abolishing the tactical team, is one thing I have to look at is what would take its place that will be better and that's what we want to verify before we abolish that, to make sure something better to take its place. I would look at that in terms of where are we going here.

You're talking four weeks. I need a clarification, do you want a public hearing on this or just a statement in what we can do in four weeks in terms of something different than a tactical team?

COMM. MEDINA: Let me respond to that. We're having hearings on OCC policy recommendations in regard to plainclothes officers. I'd like to have a similar hearing on this recommendation. As I mentioned in my remarks, there are certain functions that members of the tactical unit already carry out, to relate to all those duties that I mentioned.

Those can be kept in tact, but a number of jurisdictions have already done away with tactical squads, there are units that do all of these functions but the crowd control aspect is handled differently and that's what I would like to have this Commission address, is the crowd control aspect on how that can be handled because I think the tactical unit carries a lot of negative baggage and this is not to reflect negatively on the officers, that staff, the tactical unit and many of them got in that unit because they had outstanding records in police work and had done a good job in all these other functions, but crowd control we have a new policy and I'd like to see how we can better implement this new policy.

CHIEF JORDAN: That would be in four weeks time?

PRES. GIRAUDO: Yes.

LT. FRAZIER: You've already scheduled the Smoot case, we promised no other hearings.

PRES. GIRAUDO: There are no other disciplinary hearings that evening, which means those will get priority in terms of disciplinary hearing. But that logistically may make sense as well.

Would you be opposed to five weeks on that particular issue?

COMM. MEDINA: What I'd like to see is four weeks just framing, frame the issue.

MR. ALMSTEAD-ROSE: Two meetings in a week.

PRES. GIRAUDO: I know, Lester. So do we, Lester, quite candidly.

Then we'll entertain a motion and a second for four weeks on that and three weeks on Commissioner Gwenn Craig's motion with respect to a hearing on Friday night's incident.

I'd like to ask Mr. Langer, I know that your report is next after the Chief, but how many complaints have you received with respect to Friday night's incident, do you know?

MR. LANGER: At this time, Commissioner, the number is approximately 15 but I would like to make one comment while the bulk of the people are here. I would ask that anyone that has any information with respect to that call us at 553-1407 so we can get witnesses' statements and collate all the data so we can proceed on.

PRES. GIRAUDO: Therefore you would have no estimate in terms of the time the investigations are going to take?

MR. LANGER: It's difficult to say because the estimates in terms of numbers have been so --

PRES. GIRAUDO: It would most helpful in three weeks time when we come back to the public hearing to have some estimate of how many with respect to the complaints filed.

I would encourage the administration, there were volunteers tonight or there was a sentiment of a volunteer with respect to videos that I hope can be

made available to the administration as well that would give yet another perspective beyond the perspective of the police video and I don't know what the news stations had beyond what we saw and whether there is any other tape and whether they would release it or not. But I would suspect that that would be most helpful.

Let us first take Commissioner Gwenn Craig's motion for a public hearing in three weeks with the administration prepared to respond to the questions submitted by any Commissioner, in addition to Commissioner Craig, by the way, and which would essentially be a report on the incident, what transpired, the hows, whats and whys. That would be for three weeks.

Is there a second to that motion?

COMM. LEE: Second.

PRES. GIRAUDO: All in favor, all opposed?

(Whereupon, the motion passed unanimously).

PRES. GIRAUDO: So that's three weeks.

Now, Commissioner Medina made a motion for four weeks from now, is it in the frame of a public hearing to frame further discussion?

COMM. MEDINA: Yes, I'd like to have public hearing to discuss the revamping of the, or the reforming we wish to use in regard to the tactical unit.

PRES. GIRAUDO: Let me say one thing, Commissioner, again about the four weeks. I believe this evening because of the hour, I talked with Ms. Bobbie Stein and John Crew with respect, and Mr. Langer, with respect to item number 9, plainclothes officers' responsibilities and duties and I believe we said, did we say November 8th? How many weeks is that, is that four? I think that's four, that would be four weeks, so that would be on the same --

The Smoot case, the Smoot case is also on the 8th. I think that's a lot, I think we're being over ambitious. I don't mean to demean the motion, but why don't we make -- Commissioner Medina, I think it would be more realisitic if we made this five.

So Commissioner Medina's motion with respect to the Tac Unit, that would give the public an opportunity to speak to it, it would give the POA an opportunity to speak to it, and the Department itself in terms of the analysis of what it needs.

So that is the motion. Is there a second to that motion?

Is there a second to that motion?

COMM. CRAIG: Second.

PRES. GIRAUDO: All those in favor, all opposed?

(Whereupon, the motion passed unanimously).

PRES. GIRAUDO: So that will be set for five weeks.

Thereafter, Mr. Richard Stypman spoke to the Commission in regard to the Scofflaw Towing Program he spoke of the many problems he has had with the SFPD over the years and said that the OCC has not addressed the policy complaints that he filed. He said he was going to ask the Commission to look into policy as he was being detained here in order to prevent you having to deal with the rip off of the motorist as you may have seen on Channel 7 about a month ago.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said the only additional item he had was information from the Golden Gate Breakfast Meeting this morning where Police Officers, Firefighters, Paramedics, Emergency Ambulance People and Deputy Sheriffs were recognized for outstanding work during the year. He said the Department had two officers there both from Northern Station, Officer James Dudley and Officer Jeremiah Buckley who receive two outstanding awards for their Officer of the Year Awards which was very well received by 300 people in attendance.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer, Director of OCC said he would briefly comment on the testimony involving Investigator Larry Shockey's Personnel File during the cross examination of Shockey in the disciplinary matter of McCoy, et al. He said there were some issues that were brought up and there were some quotes during the testimony that he knew to be factual and were from Shockey's Personnel File because he had written Shockey's evaluation. He said this was in particularly with respect to the rebuttals and to one of the comments that was made. He said he was very concerned about that as the OCC has a mission to fairly and impartially investigate all complaints. He said he had no qualms whatsoever about people attacking the investigator's conscience and trying to impeach him with respect to a particular investigation. He said he thinks that is the job of a defender, however, to take an investigator's Personnel File and use it against him he thinks is something quite unacceptable. He said they in the OCC are very concerned about Personnel Rights, Rights of Police Officers and these kinds of concerns should extend to their Personnel also. He said if the OCC is to be effective and do the job that they are chartered to do they ought to be able to come before the Commission without such goings on.

Commissioner Giraudo said he did not disagree with anything that Mr. Langer has said but that he could only reiterate what he (Giraudo) said earlier to Diana Christensen and that is that he went back and read the transcript and it is not clear to Mr. Langer and it may be clear by virtue of what Mr. Langer knows is there. He said to him sitting there as the trier of fact that evening it was not clear that they had a copy of a personnel record but the Commission did stop that line of questioning. He said he did not know where the defense got that information and he does not know where the Commission's authority is to investigate from where it came and this is why, he said, the Commission has to ask the City Attorney.

Commissioner Craig said she would just like to add into that statement to say that she found it very discouraging and she thinks it is a matter they will look into as soon as the City Attorney gets back to the Commission.

PUBLIC HEARING ON OCC POLICY RECOMMENDATION

(a) PLAINCLOTHES OFFICERS' RESPONSIBILITIES AND DUTIES REGARDING DEMONSTRATIONS AND CROWD CONTROL

Originally agreed to continue earlier in the meeting.

RESOLUTION NO. 1362-89

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT T-0376 ISSUED TO HENRY ALVAREZ

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit T-0376 issued to Henry Alvarez was called, it having been set for this date; and

WHEREAS, the death of Henry Alvarez has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore, be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit T-0376 issued to Henry Alvarez.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1363-89

HEARING ON APPLICATION OF YOSSEDEK DESTA FOR A MOTORIZED RICKSHAW

WHEREAS, the hearing on application of Yossedek Desta for a Motorized Rickshaw was called, it having been continued from the meeting of September 13, 1989, and

WHEREAS, Mr. Desta requested more time in resubmitting a new design; therefore, be it

RESOLVED, that the hearing on application of Yossedek Desta for a Motorized Rickshaw is rescheduled for Wednesday, December 6, 1989 at 5:30 p.m., Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

POLICE COMMISSION RESOLUTION TO POSTPONE PUBLIC CONVENIENCE AND NECESSITY HEARINGS ON TAXICABS FOR THE YEAR 1989 TO JANUARY 1990

Commissioner Giraudo said: "Commissioners I requested that this be placed on calendar this

evening. As you know we just finished the 1988 Hearings. We checked, through Lieutenant Frazier, the legality of our postponing it and I thought that we were duty bound by virtue of charter or law and it turned out that it was a matter of our own policy to have the hearing in November so that it is appropriate or legally alright if you will for us to continue these hearings until January and I hope in that period of time that the Mayor's Office will have concluded their study with respect to what they may or may not want in the future in terms of Taxicab regulations."

Commissioner Medina: "I move January 1990."

Commissioner Nelder: "Second."

Commissioner Giraudo: "All in favor? All ayes.

RESOLUTION NO. 1364-89

POLICE COMMISSION RESOLUTION TO POSTPONE PUBLIC CONVENIENCE AND NECESSITY HEARINGS ON TAXICABS FOR THE YEAR 1989 TO JANUARY 1990

WHEREAS, the Police Commission resolution to postpone Public Convenience and Necessity Hearings on Taxicabs for the year 1989 was called, it having been scheduled for this date; and

WHEREAS, the Police Commission policy on Public Convenience and Necessity for Taxicabs calls for public hearings to commence at the first administrative meeting of the Police Commission in November of each year, and

WHEREAS, the Police Commission has just recently closed out within the last month Public Convenience and Necessity hearings on Taxicabs for 1988 without finding a need to increase the number of taxi medallions, and therefore, be, it

RESOLVED, that the Police Commission will not hold Public Convenience and Necessity Hearings for the year 1989 on taxicab permits, said hearings to be postponed to January 1990.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

STATUS ON PROPOSED REVISED RULES FOR PATROL SPECIAL OFFICERS AND ASSISTANT PATROL SPECIAL OFFICERS

Continued in three (3) weeks.

RESOLUTION NO. 1365-89

HEARING ON STATUS OF POLICE OFFICER DANIEL BAKER, TRAFFIC DIVISION

WHEREAS, the recommendation of the Chief of Police for a hearing on the status of Police Officer Daniel Baker was called, it having been scheduled for this date, and

WHEREAS, Officer Daniel Baker appeared in person with Officer Joe Engler of the Stress Unit, who appeared on Officer Baker's behald, and

WHEREAS, it has been noted by the Commission that Officer Baker, as a part of his sentence rendered on October 12, 1988, was to appear before the Commission for quarterly reports, and

WHEREAS, at each quarterly appearance the San Francisco Police Department Stress Unit reported that Officer Baker was in a fit and sober condition and had been so during each quarter, and

WHEREAS, the Police Commission requested a recommendation from Chief of Police Frank M. Jordan, who recommended that Officer Baker be restored to full duty; therefore be it

RESOLVED, that it is the order of the Police Commission on motion by Commissioner Nelder and seconded by Commissioner Lee, that Officer Daniel Baker be restored to full duty as a Police Officer, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1366-89

HEARING ON APPEAL OF CHIEF'S SUSPENSION IMPOSED ON POLICE SERGEANT GEORGE TOY, RICHMOND STATION

WHEREAS, the date for the hearing on appeal of the Chief's suspension imposed on Police Sergeant George Toy, Richmond Station, was called it having been continued from the meeting of September 13, 1989; and

WHEREAS, it was ordered by the Police Commission that the resetting of date on the hearing of appeal of the Chief's suspension imposed on Sergeant George Toy be scheduled for October 25, 1989; therefore be it

RESOLVED, that the resetting of date for hearing on the appeal of the Chief's suspension imposed on Sergeant George Toy is scheduled for Wednesday, October 25, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

The meeting, thereafter, adjourned at 6:20 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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SF Police Commission Minutes

NOVEMBER 1, 1989 COMMITTEE OF TWO

The Special Meeting on "New Directions for San Francisco Youth Services has been cancelled.

DOCUMENTS DEPT.

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NOVEMBER 1, 1989 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, November 1, 1989 at 5:00 p.m. in Closed Session.

Commissioner Giraudo presiding.

1. Personnel Matter

NOVEMBER 1, 1989 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, November 1, 1989 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF AUGUST 2, 1989

Approval of Minutes of Meeting of August 2, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1444-89

CHARLES CANADY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Canady in the sum of $2,092.74 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1445-89

DAVID BOND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Bond in the sum of $885.08 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 9, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1446-89

EARL A. LAWRENCE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Earl A. Lawrence in the sum of $569.49 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 23, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1447-89

RICHARD M. SCHLOBOHM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard M. Schlobohm in the sum of $157.49 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 29, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1448-89

ROSCOE ALLEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roscoe Allen in the sum of $150.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: September 21, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1449-89

CHRISTOPHER BORS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christopher Bors in the sum of $140.00 for arrest tow, be, and the same is hereby approved.

Date of Incident: September 23, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1450-89

ROBERT F. CUSHNYR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert F. Cushnyr in the sum of $100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: September 24, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1451-89

KRISTEN PANTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kristen Panti in the sum of $100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: September 20, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1452-89

SUSANNE LEA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susanne Lea in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 10, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1453-89

NORA T. FIGUEROA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nora T. Figueroa in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 21, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1454-89

DENNIS WATSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis Watson in the sum of $100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1455-89

KEVIN BEADLES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Beadles in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 26, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1456-89

REBECCA MACDONALD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rebecca MacDonald in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 9, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1457-89

KRISTINE TELLEFSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kristine Tellefsen in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 2, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1458-89

MICHAEL McNAMARA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael McNamara in the sum of $100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 22, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1459-89

TRACY AOKI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tracy Aoki in the sum of $80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 21, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1460-89

JOHN MALMQUIST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Malmquist in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 19, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1461-89

JONATHAN ZIER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan Zier in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 18, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1462-89

ANNA M. VASQUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anna M. Vasquez in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 26, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1463-89

DEBORAH GOLDSTEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah Goldstein in the sum of $80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: September 24, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1464-89

JOHN ARTHUR MILESTONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Arthur Milestone in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 16, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1465-89

RICHARD E. SICKMEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard E. Sickmen in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 22, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1466-89

JAMES M. ROBBERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James M. Robbers in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: June 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1467-89

STARK LANGS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stark Langs in the sumof $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 25, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met this evening in Executive Session on a number of Personnel Matters in conjunction with the City Attorney's Office and no votes were taken. He said he would also like to report that he and Commissioner Gwenn Craig were both present last night at the Halloween Celebration in the Castro District and, contrary to what the Examiner said, there was 150,000 people there. He said he would just like to commend the SFPD and CUAV for what he observed to be an incredibly well handled celebration. He said he thought that the officers that were on duty maintained an incredible calm and exercised brilliant judgement throughout the entire evening and to the best of his knowledge there have been no reports of any untoward behaviour or any violence. He said he thinks it was well handled and beyond expectations as nobody expected 150,000 people to show up. He said he thought that Captain Brush as the Commander of the Event did an outstanding job and he was able to observe for three (3) hours how he handled the entire event and the escalation of the event and he again wanted to commend him and he wanted to commend CUAV for their cooperation because it was terrific.

Commissioner Craig said she just wanted to also extend her appreciation to Captain Brush and all those responsible for how the operation went last night. She said she spent, it sounds like, a little less time than Commissioner Giraudo, but she also observed things going in the same light. She said she thinks the behaviour of all of the officers was highly commendable and much appreciated.

Commissioner Giraudo said the other thing he thinks he should say is that it also helps to have Deputy Chief Reed and Chief of Police Frank Jordan at an event of that size and he wanted to thank them also.

(a) Police Commission Decision on Request of Mr. John Prentice, one of the Attorneys in the Hearing of Disciplinary Charges of Inspectors McCoy, et al, to Seal All Documents which falls under the Privilege Requirements of Section 835.7, and that the Public Access to these Documents be Restricted

Ms. Carole Seliger said she was appearing on behalf of Inspector Casillas and also making special appearances for Mr. Prentice as he was already pre-scheduled to appear before the Contra-Costa Sanitation District this evening. She said also Mr. Bley is involved in settlement negotiations and she was here, so to speak, doing a triple header tonight. Mr. James Lassart said he was appearing on behalf of Inspector Frank McCoy.

Commissioner Giraudo said the way he would like to proceed is that he would appreciate it if the City Attorney would give the Commission a summary of the City Attorney's Opinion with respect to the motion that was made by Mr. Prentice on behalf of the four (4) Inspectors.

Ms. Mara Rosales, Deputy City Attorney, then gave the Commission an overview in respect to two issues; one was to advise the Commission with respect to the motion to seal the OCC Records and Investigation related to them and secondly, advice on how to act on a request for inspection and copying of those records under the Public Records Act by the Bay Guardian. She said generally with respect to the Public Records Act, the OCC findings and investigation related to them are confidential and are not subject to public inspection. She said they proceeded from that point and the next point of whether the privilege afforded under the Penal Code to OCC Findings and Investigations related to them is applicable in disciplinary proceedings before the Police Commission and they concluded that it was applicable and that an officer could rely on that privilege in his or her disciplinary proceeding before this Commission. She said they concluded that the main purpose of the privilege afforded by the Penal Code was to protect the privacy of the officer and since the main purpose was for the officer's benefit that that privilege could be waived by him or her. She said under the facts of this case they concluded that there was a waiver here. She said specifically what those facts mean is by requesting a public trial despite knowledge the Chief would use confidential records as part of his case and a failure to object both at the introduction of the OCC findings and when they were moved into evidence failure to object by defense counsel and the request for public trial despite the knowledge those records were going to be used by the Chief in their opinion constitutes a waiver of the privilege afforded the officers in this case. She said accordingly they advised the Commission to deny the motion to seal these records essentially they concluded that the records are now part of the public records and subject to public disclosure because the privilege has been waived and that any member of the public must be allowed to inspect them.

Ms. Seliger in her response said they had just received the Opinion around 2 p.m. yesterday afternoon and it was a fairly extensive opinion. She said so she doesn't have a written opinion and frankly she would like to be able to respond in writing to this before the Commission makes a decision. She said she did not feel the City

Attorney had reviewed the transcript on the matter because in accordance with her recollection, and she has not gone through all of the transcripts yet, but for one thing at the outset of this particular hearing they were very vocal about objecting to the introduction of this particular document into evidence. She said if the Commission remembers at one point Mr. Gash, the Department's Attorney, went through a long list of documents that were being identified and wanted to have them moved into evidence and Defense Attorneys made a very strong objection and specifically spoke to that particular document. She said they did agree to identification but wanted to reserve their right to argue about that particular document when the proper time came. She said she remembers Commissioner Nelder even saying to Mr. Gash at one point something to the effect at one point, well go ahead and identify it and we will do them all at the end. She said and quite frankly that was the way they were proceeding. She said she would also say that she has no recollection of Mr. Gash ever making that comment and she had polled all of the defense counsel and all of the defendants and she did not know if it was because there was a lot of noise or whatever else but the reason there was no immediate standing up and vocal objection at that point is quite frankly that all three of them did not hear the remark and it was not until they found a member of the public reading the document that they had any idea that it had been considered a public document by the Commission. She said it wasn't until they had spoken to Lieutenant Frazier and received confirmation that in fact it had been admitted that they finally understood that there had been some movement of this. She said it was at the conclusion of Mr. Shockey's direct examination and she said she did not have any recollection nor does anyone else. She said so the point being of that explanation is that there is no known waiver at any point of that particular document simply because they didn't voice the objection they didn't hear anything to object to at that point. She said because as the Commission knows they have been rather vocal about their objections all the way through and pretty spontaneous and pretty quick to jump up about them so she said she would not think they would have let this opportunity go by without voicing their objection at that particular moment. So, she said, those are two concerns that she has that she really wanted to make very clear. She said there is another point that has to be taken into consideration in terms of what the history has been with the sealing of these documents. She said again, early on, when the document was tendered along with a host of other documents in Federal Court to Judge Vukasian they discovered that they called out to the Commission what had happened and they came and had a separate appearance on the matter and the City Attorney at that time stipulated that indeed it was a document that should remain under seal on the documents so they have a precedent wherein in fact this document was under seal, remains under seal and she would argue that it should remain under seal. She said and so it is not as though they do not have a judicial official interpretation as to whether or not it is a confidential document, but, she said more importantly than that they agree with the City Attorney that indeed the purpose of this is to remain confidential and to keep these records out of the public purview. She said one of the reasons is

to try to minimize the amount of damage to a person's reputation, also to have the document not taken out of context to afford these police officers some right of privacy within the context of their particular employment. She said there has been an enormous amount of press coverage about this particular case that involves mythology and a lot of that mythology has been systematically, she said, she thinks, for the Commission's edification. She said but this particular document is not a particularly well founded one. She said in fact she considered it a work of fiction herself and not a particular good one for science fiction as they now know by the mythodology around the fiber evidence issue or the pin point blood and all of the hours that they have spent dealing with the mythodology around whether or not this investigation was or was not proper. She said and one of the problems that she has is that they would have publication of this document this mythology document that is filled with errors, filled with conjecture, filled with conclusions and what in fact they are doing is just escalating what she considers to be and what she thinks other people consider to be of prurient interest not of public interest. She said not the Commission and the Department are the holders of the privilege it is their duty to protect the individual rights of these officers. She said but this legislation wasn't enacted to just protect McCoy or Dean or Casillas or Kidd, it was to protect officers statewide and the individual Departments are responsible for enforcing that particular protection and it is their duty to do so. She said the only time that you are not supposed to do so is when you can show that the public interest that is being asserted by a sub-party greatly outweighs the confidentiality for these particular officers. She said she was not sure that the prurient interest would be something that could be weighed in that fashion and that is another argument that she really wished the Commission would consider very strongly and again she would like to be able to articulate a little bit more strongly through a written brief after she has gone throught the rest of the City Attorney's Opinion. She said the last thing that she really is a little bit confused about at this point is what she considers to be kind of a turn on the City Attorney's part about the who the holder of the privilege is. She said she is not sure that they are the individuals who were ever the holders and she said she is not sure, even if they were, that even if there were an inadvertent waiver, which if there were, it was completely inadvertent. She said she was not sure that it was theirs ever to waive and she believes that the Commission is bound under 6255 of the Government Code and the other sections that were posed by the City Attorney that the Commission and Department are duty bound, by law, to uphold 832.7 of the Penal Code and 1043 of the Evidence Code and not to release the seal on this document. She said and if the Commission needs to consider the matter for some period of time she would be glad to put in a written brief for the Commission next week.

Mr. James Lassart also responded and said that Ms. Seliger spoke for all of them and he would adopt her comments but the Commission should be aware of the fact that the document the Commission is publishing is full of falsehoods. He said it is full of falsehoods that directly reflect that the employment of these officers, their livelihood, their work. He said they are defamatory comments

they are the kind of defamatory comments that by publishing them the Commission is giving them in the hands of other people to publish that defamation. He said they are the kind of per se libelous comments in that report that because they go strictly to the employment, the livelihood, the manner in which the officers earn their living and, he said, he thinks that has to be taken into consideration. He said in reading the document itself the City Attorney doesn't have the benefit that this Commission does and many people do of understanding that the statements made in that are less than true, in fact are false, some of them. He said in doing that that factor should be weighed in all privacy and confidentiality questions of balancing of the interest the fact that there are falsehoods that are going to be allowed to be published and disseminated in a wide manner by virtue of the Commission's ruling. He said he thinks this should be considered and he thinks it has to weigh heavily in favor of the seal being placed on it.

After listening to the above two attorneys Commissioner Giraudo then asked the Deputy City Attorney to explain once again the waiver of confidentiality. Thereafter, Commissioner Medina said to the President that unless he was of a mind to delay the vote until such time as the Commission receives a written response from defense attorneys he would make a motion.

After receiving the go ahead from Commissioner Giraudo, Commissioner Medina said that based upon the advise provided the Commission by Deputy City Attorney Mara Rosales-Cordova he would move that the Police Commission unseal the documents in question. Commissioner Lee seconded the motion. It was then unanimously approved.

RESOLUTION NO. 1437-89

REQUEST OF ATTORNEY JOHN PRENTICE TO SEAL ALL DOCUMENTS AND RESTRICT PUBLIC ACCESS TO THESE DOCUMENTS IN THE MATTERS OF INSPECTORS McCOY, ET AL

WHEREAS, the matter of the Police Commission decision on the request of Mr. John Prentice, one of the attorneys in the hearing of disciplinary charges of Inspectors McCoy, et al, to seal all documents which falls under the privilege requirements of Section 835.7, and that the public access to these documents be restricted was called, it having been set for this date; and therefore be it

WHEREAS, after receiving and considering a City Attorney's opinion in regard to the issues of legality in the sealing of the documents, it is the decision of the Police Commission to deny Mr. Prentice's request.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

(b) PUBLIC COMMENTS

No public comments at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan advised the Commission that he had just two items and one was just to give the Commission an update on the investigation that he is personally conducting regarding the Act-Up Demonstration and the alleged misconduct by the Police Department on Friday, October 6, 1989. He said he had about 80% of his own investigation completed and he would like to, no later than next Wednesday, November 8, 1989, give a full and complete report of his findings based upon what he sees in his own investigation and he knows the Commission has the other that the Department is also pursuing on the 23 questions which will be completed by the end of November, 29, 1989. He said he believes that he should conduct his investigation in an expeditious fashion and will do so no later than next Wednesday night and make it available here at the Police Commission. He said the second item he wanted to comment on is the celebration last night in the Castro, the Halloween celebration and he too wants to compliment the Police Officers who were there, Commander Fred Lau, the Event Commander and Captain Mike Brush, Commanding Officer of Mission Station. He said it started off with an anticipated 100,000 people to be in attendance and as the crowd grew they had to expand the numbers of officers by adding solo motorcycles and Northern Police Station Officers and Special Operations Bureau Personnel, Muni Transit Personnel as the crowd grew to the point of, as it was said, 150,000 people. He said he certainly wanted to compliment those officers as well as the Community United Against Violence (CUAV). He said he saw about 50 members of CUAV who were volunteers and assisted in security, crowd control, crowd monitoring and from what he could see with that amount of people he did not feel it could have been policed better. So, he said, he wanted to compliment them publicly. He said, also Deputy Chief Frank Reed wanted to comment on this event.

Deputy Chief Reed said that the activity last night was far more than anybody expected and he personally wanted to come before the Commission and commend Captain Michael Brush who was responsible for the majority of the planning and inner-action with the community in the Castro and the Officers who worked directly for him in preparing the planning necessary for this event. He said a lot of changes had to be made very quickly and a lot of officers brought in. He said Captain Brush was very methodical in, not only the preparation and planning for whom should report where, but in discussing ahead of time with all of the officers involved particularly what actions he wanted taken and those actions were in fact followed as all witnessed throughout the evening.

Commissioner Medina said based on that report he would like to publicly commend Captain Brush.

(a) Status Report on Criminal Activities Occurring in the Valencia Gardens Housing Project

Ms. Carlene Williams of the Valencia Gardens Tenant Association said she just wanted to apologize for not being here last Wednesday. She said as a follow-up from the week before when she was here about some of their complaints, their complaints were that they were receiving poor police service, i.e., poor response from 911 and favorities shown to some of the drug dealers in the area. She said she would now like to say their police response has been

much better since the time she was here at the last meeting. She said, however, they have no trespassing signs there and they are wondering how they may have them enforced, they are also still having nightly shootings. She said during the World Series, the drugs had left the area but she noticed that they are now conveniently back. She said they want to know how do they go about getting a curfew as they have children that are out there until two or three o'clock in the morning throwing bottles, sticks and rocks at cars passing through. She said she understands that last week when she wasn't here that Captain Brush had reported to the Commission that he had attended their Association meeting last Tuesday, and he reported that they appeared not to be having any problems there. She said to Captain Brush that she knows that one of the tenants at the meeting had told him that the police service there was good but then she would like to, if she has permission, to read just a short notice here that was in the paper where this same person was saying that the police service was poor. She then read the statement of Mary McAllister which primarily said she had to like on the floor of her apartment hoping to dodge any bullets that might come through the window. The statement went on to further say that the police just doesn't respond unless you say someone is dead or dying. She said to the Commission that Mrs. McAllister had given the Commission a false indication that night. She said she had heard there were supposed to be some special services being prepared by the SFPD for Valencia Gardens and she would like to know how and when it is going to take place. Commissioner Giraudo said he would like to for the Chief to respond.

Chief Jordan said tht the first phase was that there was a lack of response in the Valencia Gardens and he has the Captain and Commanding Officer of Mission Station, Captain Michael Brush here to explain what the activities of the Police Department are at Mission Station in relation to Valencia Gardens and also Captain Tim Hettrich from the Narcotics Division and the Street Crimes Division to explain the activities of the narcotics officers in Valencia Gardens.

Captain Michael Brush said he was very disturbed by the allegations that were made and he thinks they are unwarranted and inaccurate. He said especially the ones which alleges officers being engaged in inappropriate behavior with females and being on the take from dope peddlers. He said he attended the Tenants Association Meeting of last Tuesday and the only way he found out about the meeting was he happened to be talking to the manager of the building so he went by. He said Ms. Williams had complained about lack of police services there and he ran statistics in the computer for the weeks that Ms. Williams complained about and he had a computer print out with him showing that there were 125 calls for service which the Mission Police Station responded to at the Valencia Gardens during the periods Ms. Williams mentioned. He said when you add on the regular patrols, the walk through by Supervisors, the on view events that the officers make and the arrest by the Narcotics Unit, then you have about 250 times that the police have visited Valencia Gardens during that period. He thn showed the printout to the Commissioners and said that it reveals substantially more police presence than no police officers being on the premises as alleged. He said Valencia Gardens is one of the few places in the city where during 1989, crime is down from 1988, by over 10%.

Ms. Carrie Maxwell then came forth and said she was a tenant from Valencia Gardens and Captain Brush knows her very well. She said on October 9, 1989 they had a shooting and there were bullets fired into the first floor of a three bedroom residence at 1722. She said that night two of her neighbors and herself lay on her front room floor watching for police response and their was one uniformed officer who came through. She said they had been outside with their little children as it was a beautiful night. She said if they can't sit outside with their children without all of that happening they should be able to get the response when they need it. She said this past Saturday a young lady was taken at gunpoint at Albion and 15th Street. She said her daughter called in as she was a witness and there was no response for at least 1/2 hour to 45 minutes. She said when someone showed up to take a report, the girl who had managed to escape because of an accident on South Van Ness, was already at Mission Station. She said this is not the first time and it won't be the last time because they realize they have problems there but if they don't have response and if they don't arrest people who deal in drugs they they are lost and they are tired of it.

Deputy Chief Frank Reed said that many of the police efforts are directed at the residents of public housing units to try to help them take back their community so that they can walk and enjoy it as any other resident. He said the Program that Community Services is trying to put together for public housing is one that the Chief will be announcing before the end of the month. He said the Valencia Gardens is one of three public housing units that will receive quite a bit of attention on a daily basis from Community Services Officers in conjunction with the Station Officers. He said he thinks quite a bit of the problems here now are communications. He said some of the comments last week from the three women that were here that did not speak, because the matter was put over, was that the police had not been there in three to four months in terms of going to meetings. He said it was felt that the SFPD Staff would attend all meetings, but he said we didn't get schedules and partly it was because we were paying more attention and more time with the manager and not devoting as much time with the Tenants Association Group as they are not the same individuals and theirs are different meetings. He said he wanted to assure everyone here tonight who has made comments and all of those who have not made comments that Captain Brush will take some specific information from them and the Chief will be able to address those remarks next week in terms of response time on all incidents where they can back track and find out what the Department was doing during those times that did not allow it to respond to those calls promptly.

Commissioner Giraudo said he would encourage the Commissioners to go for ride alongs out of Mission Station so that they could see first hand just what is being spoken of tonight in terms of the report of the police department and the concerns of the Tenants Association. He said to the Chief that perhaps the Chief would be announcing this program by the end of this month and three months from tonight maybe the Commission can calendar an update in terms of what progress has been made with respect to, vis a vis, the Community Services Program and obtain a recap of just how the tenants feel and how the Department is feeling about its own performance.

Commissioner Craig said she just wanted to commend the tenants of the Valencia Gardens Association who have taken the time to be here tonight and the previous night when they were here. She said it is disturbing to hear that there are some of their members who don't feel comfortable to come before the Commission and hearing that she said she wanted to particularly let them know just how much they appreciated hearing about this. She said the Commission is going to take their problems seriously and hope that there will be less complaints in the next three months when they do return for a follow-up on progress report.

STATUS ON PROPOSED REVISED RULES FOR PATROL SPECIAL OFFICERS AND ASSISTANT PATROL SPECIAL OFFICERS

Mr. Phil Ward, Attorney for the Patrol Special Officers, said they have had several occasions to meet with the Police Department with respect to the Status of Patrol Special Officers and the other ancillary subjects, i.e., Rules and Procedures and a variety of other subjects. He said Lieutenant Pecinovsky is here tonight and there has been an agreement to the effect that among the people that have been meeting that the proposals that are currently before the Commission will be withdrawn and amended and that a proposal will be submitted to the Patrol Special Officer's Association for its review comment and approval or disapproval as the case may be. He said they anticipate that this can be done relatively quickly in terms of proposing it and then they are going to meet. He said they anticipate that it will probably take a period of approximately 60 to 90 days to complete the whole process at the outside but they can naturally come back to the Commission sooner than that if they complete their canvasing approval process of the proposals of new Rules and Procedures other than those that are currently before the Commission and the auditing of various Patrol Special Officers for purposes of their training levels once those levels are decided upon. He said preparation of a packet to submit to POST vis a vis the status and the training that may be required of Patrol Special Officers. He said also the status and appointment of Assistant Patrol Special Officers. He said so they would like to ask the Commission to put this matter over pending the completion of that whole process. He said and hopefully there would be a new agreed upon proposal to submit to the Commission by all sides.

Mr. Louis Giannini, also an attorney for several Patrol Special Officers said he was here to register his objections. He said the Commission has recognized him as being an interested party on behalf of his clients. He said the Commission last directed the Department through the Chief to set up meetings and to also contact interested parties such as himself and Mr. Ward for these meetings. He said he has not been contacted and has not been allowed participation in these meetings and he did not know why. He said he would again register an objection to the past proceedings and request that the Commission again direct the Chief and the Department to include him in discussions relating to the proposed regulations.

Commissioner Giraudo said to Lieutenant Pecinovsky that he should make sure that in the future Mr. Giannini is notified of any meetings that are going to be held that would in fact impact upon his clients in regards to negotiations for rules effecting Patrol Special Officers.

Mr. Clifton Jeffers, Attorney for several other Patrol Specials also said he was here in a representative capacity representing Mr. Calvin Wiley and Mr. Alex Balestero. He said unfortunately he had not been in this capacity long enough to have participated in the dialogue and discussions that have taken place this far but he would assume he would have the opportunity to participate in those upcoming meetings. The matter was then continued to February 28, 1990.

RESOLUTION NO. 1439-89

STATUS ON PROPOSED REVISED RULES FOR PATROL SPECIAL OFFICERS AND ASSISTANT PATROL SPECIAL OFFICERS

WHEREAS, the date for the report on the status of proposed Revised Rules for Patrol Special Officers and Assistant Patrol Special Officers was called, it having been continued from the meeting of October 11, 1989; and

WHEREAS, Mr. Phillip S. Ward, Attorney at Law representing the Patrol Special Officers Association, requested continuance for 90 days, and was concurred by Lieutenant Edmund Pecinovsky, Legal Division; therefore be it

RESOLVED, that the date for the status report on proposed Revised Rules for Patrol Special Officers and Assistant Patrol Special Officers is continued to Wednesday, February 28, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

RESOLUTION NO. 1440-89

HEARING OF POLICE CAPTAIN ROBERT M. FORNI, PATROL BUREAU

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Captain Robert M. Forni, Patrol Bureau, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Captain Forni be continued to February 21, 1990; therefore be it

RESOLVED, that the date for the hearing of Captain Robert M. Forni is continued to Wednesday, February 21, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

RESOLUTION NO. 1441-89

HEARING OF POLICE OFFICER WILLIAM S. TAYLOR, PERSONNEL DIVISION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer William S. Taylor, Personnel Division, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Taylor be continued to February 14, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer William S. Taylor is continued to Wednesday, February 14, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

RESOLUTION NO. 1428-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER ALEJANDRO G. VERZOSA, POTRERO STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Alejandro G. Verzosa, Potrero Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Alejandro G. Verzosa is scheduled for Wednesday, November 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

RESOLUTION NO. 1429-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JAMES T. RAMSEY, SOUTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer James T. Ramsey, Southern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to report the use of force (violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer James T. Ramsey is scheduled for Wednesday, November 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

RESOLUTION NO. 1430-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER THOMAS R. ARGO, CENTRAL STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Thomas R. Argo, Central Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to answer questions asked by the Management Control Division truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Thomas R. Argo is scheduled for Wednesday, November 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

RESOLUTION NO. 1431-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JOHN J. BLESSING, SPECIAL OPERATIONS BUREAU TASK FORCE

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer John J. Blessing, Special Operations Bureau Task Force, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer John J. Blessing is scheduled for Wednesday, November 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

RESOLUTION NO. 1432-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER STEPHEN H. GLICKMAN, TARAVAL STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Stephen H. Glickman, Taraval Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Stephen H. Glickman is scheduled for Wednesday, November 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

RESOLUTION NO. 1433-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER SAM WONG, SPECIAL OPERATIONS BUREAU TASK FORCE

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Sam Wong, Special Operations Bureau Task Force, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to acquire and maintain a working knowledge of, and to follow department procedures governing their assigned duties (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Use of unnecessary force to initiate a routine traffic stop (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Sam Wong is scheduled for Wednesday, November 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

RESOLUTION NO. 1434-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER DAVID A. FAINGOLD, SPECIAL OPERATIONS BUREAU TASK FORCE

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer David A. Faingold, Special Operations Bureau Task Force, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to acquire and maintain a working knowledge of, and to follow department procedures governing their assigned duties (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer David A. Faingold is scheduled for Wednesday, November 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

RESOLUTION NO. 1435-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER BRENDA G. RODGERS, INGLESIDE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Brenda G. Rodgers, Ingleside Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Brenda G. Rodgers is scheduled for Wednesday, November 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

RESOLUTION NO. 1436-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER BERNARD J. SULLIVAN, SPECIAL OPERATIONS BUREAU - TACTICAL DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Bernard J. Sullivan, Special Operations Bureau - Tactical Division, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to answer questions asked by the Office of Citizen Complaints truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Bernard J. Sullivan is scheduled for Wednesday, November 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

RESOLUTION NO. 1442-89

STATUS REPORT ON POLICE OFFICER EMILY R. FIELDS, INGLESIDE STATION

WHEREAS, the date for the status report on the disciplinary charges filed against Police Officer Emily R. Fields, Ingleside Station, was called it having been scheduled for this date; and

WHEREAS, Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department, and

WHEREAS, Officer Emily R. Fields appeared in person and was represented by Ms. Carole Seliger, Attorney at Law, and

WHEREAS, Mr. Gash stated that Commanding Officer Captain Gregory Winters, Personnel Division, earlier this date advised him that Officer Fields was weighed in earlier by Dr. R. Clayton Parson, Police Physician, who reported Officer Fields was now in compliance; therefore be it

RESOLVED, that the date for the next status report on the disciplinary charges filed against Officer Emily R. Fields will be on Wednesday, February 7, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF PROPOSED AMENDMENT TO PART II, CHAPTER VIII OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) AMENDING ARTICLE 8, SECTION 539, RELATING TO CURFEW LAW FOR MINORS

Deputy City Attorney Mr. Eric Uhl said he was here to outline the proposed Ordinance to the Commission, if necessary, or answer any questions they may have in its regard. Commissioner Medina said he would like to hear some public comment in regard to the ordinance and find out what their concerns might be.

The following speakers then came forth and addressed the Commission on the subject: Mr. Steve Taylor, Attorney representing the four (4) parents and the 4 minors who brought litigation against the city arising out of the Curfew Ordinance. He said what they found and the reason the litigation was brought is because citizens came to the ACLU, people who were not aware that there was a Curfew Ordinance in San Francisco and they presented this scenario: "The parents came and said; 'we gave our children permission to come to San Francisco. They are 17 and 16 years old and they drove their car into the city and attended an event, a movie, a social event of some kind and as they were leaving and as they were on the street or returning to their car or some other activity, they were arrested and they told the police officer at the time they were arrested that they had permission that they were simply returning to their car and they were trying

to get home.' But not withstanding that they were taken down to the station, some of them were handcuffed, they were cited, ordered to appear before the Youth Guidance Center and the only thing that any of these juveniles had done wrong if that is the right word is that they had been outside after eleven o'clock and they were under 18." He said so they looked at these complaints and looked at them from the point of view of constitutionality and came to the determination that the ordinance that is presently on the books which was originally passed in 1932 and last amended in 1951, making it 38 years old, did not pass constitutional muster in 1989. That it was over broad that by its terms it was extremely vague and that the police department, because of the overbreadth and vagueness, was really unable to enforce the ordinance in any kind of a consistent fashion. He said they took some depositions to find out how it was being enforced and through no deliberate fault of the Police Department it just was being enforced in different ways. He said some officers started at 11:45 PM others started at 12 midnight. Some enforced it only if people were loitering, other officers said they enforced it any time they found a juvenile outside. He said they are now holding that lawsuit in abeyance and they are holding it in abeyance pending the outcome of this process of revision to see which way it turns out. He said they think the revision is a good first step to resolving the litigation. He said they are recommending this particular proposal with one caviat and that is that the constitutional position that some of their clients take is that there should be no Curfew Ordinance. That innocent conduct, just being outside doing nothing wrong, being a little too young and of being too late on some arbitrary standard, ought not to be criminal conduct. He said, but they also have to come up with a practical solution to the litigation so he could say this: "if there is going to be a Curfew Ordinance we think this Curfew Ordinance, if it is adopted, and I commend Mr. Uhl, Deputy City Attorney for his efforts, as he has drafted it and it has been approved by the Chief, it is a better Curfew Ordinance to be sure than what we have and I don't have a specific suggestion on something that should be changed." He said if we are to have it it is probably as good as an ordinance as there can be but it must be accompanied with a general Order to help the officers interpret it and apply it in a consistent fashion.

Mr. Sam Williams who said he has 12 children and 13 grandchildren and has lived in San Francisco for the past 20 years, and he was the first Tenant President of the Geneva Towers. He said recently he has associated himself with the Sunnydale Housing Tenant Association. He said he has questions as to the time an officer may have to spen with a youngster because in his reading of the Ordinance he said he knows that often a youngster's report card doesn't get home to the parents attention and just like a notice is served on the parents that their son or daughter has violated a certain thing something else has got to happen in order to get that message to the parent or they will be in violation. He said and finally some priorities need to be made concerning what constitutes the express parental permission. He said as he understands it something is supposed to be provided by the police department and beyond that is there going to be something else, will there be a note from the mother

or the father, or an Aunt or Uncle what is going to be or what will constitute appropriate permission to be in a public place during curfew hours and how much time and effort is a detaining officer really going to have to spend to fully clarify a suspicious or a questionable situation.

Reverend Walker, Pastor of the church at 950 Gilman Avenue San Francisco. He said he was here to speak in support of the Ordinance. He said if you eliminate and say you do not need any type of Ordinance or permit then there would be an open field for people to move in this particular area and not be given any guidance. He said so he sees this proposal as a compromising position and as a good compromise from 11 to 6 back to 5 AM. He said so he would fully and wholly support the Ordinance.

Ms. Lavonne King, representing the mothers and fathers of concern. She said she worked as a counselor in Juvenile Hall and presently she does support work for groups in the Sunnydale Housing Community. She said the Sunnydale Housing Tenant Association President Brenda Stringham is her co-leader and they both agree and endorse this amendment because they see children standing on the street at all kinds of undesirable hours. She said she wished it could be like it was in the 60's when she was a juvenile and the police would take them home and make sure they would go inside by shining their lights on the house until they were inside.

Commissioner Giraudo called for a motion which was made by Commissioner Lee but there was no second. Commissioner Craig said that she had some concerns and questions and she believes it will take a little more looking into before she could wholeheartedly support its endorsement. Deputy City Attorney Eric Uhl said that since there is litigation on this matter he could obtain more information and discuss it with the Commission before going public in a Closed Session Meeting and bring out a more detailed discussion. The Commission then scheduled an Executive Session for this matter to be held prior to the commencement of next week's meeting.

RESOLUTION NO. 1438-89

REQUEST OF PATROL SPECIAL OFFICER SAMUEL J. REYES TO APPOINT AN ASSISTANT PSO FOR BEATS #146 and #84, POTRERO DISTRICT

WHEREAS, Patrol Special Officer Samuel J. Reyes requested consideration for appointment of Mr. Keith T. Ybarreta as Assistant Patrol Special Officer to work Beats #146 and #84 in the Potrero Police District, and

WHEREAS, Patrol Special Officer Reyes submitted documents to show Mr. Ybarreta's qualifications as an Assistant Patrol Special Officer; therefore be it

RESOLVED, the Police Commission hereby approves PSO Reyes' request authorizing the Chief of Police to appoint Mr. Keith T. Ybarreta as Assistant Patrol Special Officer of Beats #146 and #84 in the Potrero District.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

(a) OCC Response to the Grand Jury Report

Mr. Michael Langer said he would discuss the Grand Jury Report and say that the members of the OCC are very concerned about the leak of information as stated in the Report. He said there was a leak of information that the OCC investigated and it was dealt with by them. He said one concern that he does have is the issue as stated by the report that there may have been some problem leaks from other people but they did not have any suggestions or evidence to prove that so he thinks it is wrong to make that allegation. He said on the other side on the impasse of cases, where he and the Chief disagree and that some form of a resolution is needed was right on point. He said the last issue is the fact that the OCC does need support to make their operation run. He said during his tenure the Police Commission has been extremely supportive, he has received a lot of cooperation and he appreciated that and he looked forward to continuing that in attempts to make things better. He said in one area it suggest that maybe his people are not being fair but he pointed out statistics wise that while they sustained 10 or 11 more complaints in the previous year they "Proper Conducted" 500 additional allegations. He said if that suggest the people in his office are not trying to be fair he really takes exception. He said the OCC is suffering from some staffing problems and they do have to walk a very fine line but overall the people in the OCC Office has not lost sight of their mission.

(b) OCC Response to POA Attorney Jeffrey Dinkin's Complaint of OCC Access to Police Officers' PIP Files

Mr. Langer in his response to this issue said he met with Mr. Dinkin and SFPOA President Mike Keys as this came about during an investigation where the OCC needed to see a PIP File of an Officer at Park Station. He said it is his firm belief that the PIP file, being a part of the Personnel Files, can be made available to the OCC and he had a number of specific things that address those issues. He said he thinks there is much relevant information which is contained in the PIP file and it is something that the OCC needs such as past evasion or untruthfulness in previous investigations and he could go down the list of a whole litany of different things. He said the Charter says the OCC shall receive prompt and full cooperation and assistance from all departments and from all officers and employees of the city and county. He said he thinks this speaks to this well and there is a very definite need for them to have access to the PIP files. He said he had a whole list of things where it says people shall cooperate such General Order L-1 which is the Commission's Resolution that it passed last year and many other things that the OCC have argued for and received favorably. He said Mr. Dinkin's letter is not convincing to him and he would ask the Commission to pass a resolution giving the OCC full authority to continue to do what the OCC should have the right to do.

Commissioner Giraudo said that his thought process is that Mr. Langer is correct but prior to making any motion this evening he would like to ask, and he has told the City Attorney that the Commission would like a quick response opinion

affirming what he thinks is the concensus of the Commission, that the OCC has and should have access to those files. He said he knows and he thinks that that access has been used judiciously in the past and it has not been reckless in any form shape or manner.

Mr. John Crew, ACLU, said he just wanted to point out that they are very concerned that it has now been seven (7) years since the voters created an OCC and when he read this letter he took it as another example that apparently the POA does not accept the authority or understand the authority and role of the OCC. He said Mr. Langer pointed out that it is clear under the language of the Charter and of the Commission's policy that the OCC has the right to this information. He said if the information is relevant then that is a decision for the OCC to make. He said he would point out too that there are other rules that the Commission has, for instance, that some of the findings of the OCC make, in a particular case are things like supervision failure or training failure and what is in those PIP files will document whether or not that is the appropriate finding or it would help document that finding. He said so in some ways it is in the named officers best interest that that PIP file be reviewed if perhaps it reveals training was not followed through as it should have been. He said they are also concerned in that they think the Commission at times is misled in terms of the authority and rules that govern the OCC. He said they noticed in here a suggestion that somehow the Evidence Code might prevent this sort of material being reviewed. He said the Evidence Code, quite explicitly, by its own terms and by the Rules of this Commission does not apply to this process. He said this is not a criminal court, this is not a civil court, it is an Administrative Investigative Process and they certainly have no problems with advocates making advocacy to the best of their ability certainly the ACLU does that, but they are certainly tired of citations to cases that are clearly on their face do not apply and to authorities that really don't apply to this sort of situation. He said yes, police officers do have Due Process Rights, they are very specifically codified in the Peace Officers Bill of Rights in the Government Code. He said there are case laws that interpret those sections that apply to the situation but their concern on those ground, he thinks, is appropriate to raise them. He said has this material been disclosed to the OCC and if not how long has this issue been pending?

Commissioner Giraudo then advised Mr. Crew that the OCC has had access. He then said he would ask Lieutenant Frazier to reaffirm the Commission's request for an opinion simply to verify the access that the Commission believes the OCC has or should have.

Mr. Langer said that on October 11, he submitted a management study with some recommendations for positions and also a description of training that is taking place for the calendar year 89/90 and he would like to calendar this for discussion and ask the Commission's permission to put this on the calendar for two (2) weeks from tonight. Mr. Langer said the last item is that tomorrow the OCC is doing the video taping of a training program for the Pro Bono Hearing Officers. He said Chief Casey has provided them with Officers and the POA and Mr. Crew

and a number of other people are assisting the OCC in putting this package together. He said the purpose of it is to use it to train perspective Pro Bono Hearing Officers that were approved by the Commission and they will shortly thereafter be instituting the Pro Bono Hearing Process. He said in line with that their Senior Statistical Analys has put together Hearing Process General Order OCC #H-1. He said he has a draft of that and he would like to present that to the Commission and ask that that be calendared for two weeks for approval.

PUBLIC HEARING ON OCC POLICY RECOMMENDATIONS

(a) Application and Enforcement of Obstructing Streets and Sidewalk Laws (Section 22A of the San Francisco Municipal Police Code) and Public Hearing on Proposed General Order as submitted by ACLU on September 13, 1989

Lieutenant Ed Pecinovsky, Legal Office, said that the City Attorney is reviewing this issue and has said they will have an answer for the Department in two weeks. He said he would recommend that this matter be continued for two weeks to November 15, 1989.

(b) Plainclothes Officers' Responsibilities and Duties Regarding Demonstrations and Crowd Control

Mr. John Crew, ACLU, said that there may have been a scheduling concern as on the night of the Act-Up testimony this matter was attempted to be scheduled for a time when Ms. Bobbie Stein, NLG and Commissioner Giraudo could be present but they both understood and had it on their calendars for November 8, 1989. He said Ms. Stein is recovering from surgery as she expected and he did not know if the signals got crossed up or what occurred.

Commissioner Giraudo said he was not going to be here on November 8, 1989. He then suggested that it be moved to December 6, 1989.

HEARING OF POLICE OFFICER HENRY J. FIKKERS, TARAVAL STATION (Closed Hearing)

The hearing of the disciplinary charges filed against Police Officer Henry J. Fikkers, Taraval Station, was called it having been set for this date. Officer Henry J. Fikkers was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Henry J. Fikkers appeared in person and was represented by Mr. John Guheen, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. John Guheen for the Defense. Mr. Guheen entered a plea of guilty to the charges on behalf of Officer Fikkers.

The following witnesses gave unsworn statements for the Defense:

Captain Michael Yalon, Taraval Station
Officer Henry J. Fikkers, Taraval Station

Commissioner Craig made a motion to accept the plea of guilty made by Officer Fikkers and was seconded by Commissioner Lee and unanimously approved and accepted by the Commission.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendations were made by the Chief of Police:

SPECIFICATION NO. 1

Ninety (90) days suspension to be imposed immediately and enroll in the Department's D-4 Program.

SPECIFICATION NO. 2

Termination to be held in abeyance for 2 years from this date (meeting date).

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1443-89

DECISION - HEARING OF POLICE OFFICER HENRY J. FIKKERS, TARAVAL STATION

WHEREAS, on February 1, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer Henry J. Fikkers, and

WHEREAS, the Commission having heard the matter makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Henry J. Fikkers, Star No. 1798 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department, assigned to the Patrol Bureau - Taraval Station;

(2) As a police officer, the acused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about November 11, 1988, at approximately 0830 hours, while off duty, the accused met Captain Donald A. Goad, Star No. 648, who was also off duty, at a residence in Pacifica. While at the residence in Pacifica, the accused and Captain Goad each consumed approximately two (2) alcoholic drinks. Captain Goad, who was driving an unmarked department vehicle, then drove the accused to Captain Goad's residence in San Mateo;

(4) On or about November 11, 1988, at approximately 1000 hours, the accused and Captain Goad arrived at Captain Goad's residence. At approximately 1045 hours, the accused and Captain Goad arrived at a bar located in San Mateo, where they each consumed approximately three (3) to five (5) alcoholic beverages;

(5) On or about November 11, 1988, at approximately 1300 hours, the accused and Captain Goad left the bar in the unmarked department vehicle which was driven by Captain Goad;

(6) On or about November 11, 1988, at approximately 1315 hours, California Highway Patrol Officer Michael Binion, Star No. 10347, observed Captain Goad driving northbound on Highway 101 in an erratic manner. CHP Officer Binion then stopped the vehicle driven by Captain Goad on Highway 101 near the Broadway Avenue exit. After the vehicle driven by Captain Goad stopped, the accused immediately exited the vehicle and staggered toward CHP Officer Binion. The accused presented CHP Officer Binion with his SFPD identification card and stated that he was a police officer. CHP Officer Binion directed the accused to return to the vehicle and sit down. The accused, after initially being argumentative complied with the request.

(7) CHP Officer Binion then approached the vehicle and observed that the eyes of the driver, Captain Goad, were red and glassy and that his speech was slurred. CHP Officer Binion then asked Captain Goad to perform a series of field sobriety tests, which he refused. Captain Goad was then arrested for driving under the influence of an alcoholic beverage. The accused then stated to CHP Officer Binion that he had been the driver and that he should be arrested rather than Captain Goad for driving under the influence. At this time

CHP Officer Binion requested assistance to transport Captain Goad to the San Mateo County Jail and he also requested that a supervisor respond to the scene;

(8) On or about November 11, 1988, at approximately 1325 hours, CHP Officer Sean Dwyer, Star No. 1048 and CHP Sergeant Hal Nelson, Star No. 8032, arrived at the scene;

(9) After arriving on the scene, CHP Officer Dwyer spoke with the accused. The accused stated that he was the driver of the vehicle and should be arrested rather than Captain Goad. The accused was also argumentative with CHP Officers Dwyer and Binion and used numerous obscenities in reference to the officers. The accused was then arrested for being intoxicated in public and the accused was handcuffed and placed in the front right passenger seat of a CHP patrol vehicle;

(10) The accused, by being arrested for being intoxicated in public, by stating to the responding CHP officers that he was the driver of the vehicle, when in fact Captain Goad was the driver of the vehicle, and by being argumentative and using obscenities toward CHP Officers Dwyer and Binion, has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(11) The allegations contained in Specification No. 1, paragraphs (1) through (10) are incorporated by reference as if fully set forth herein;

(12) On or about November 11, 1988, on Highway 101 near the Broadway exit at approximately 1330 hours, the accused, while inside the CHP patrol vehicle, activated the vehicle's horn;

(13) On or about November 11, 1988, CHP Officer Dwyer transported the accused to the San Mateo County Jail. While en route the accused threatened to get even with CHP

Officer Dwyer, his family and his parents for the accused's arrest, if they ever came into the Taraval District of San Francisco;

(14) On or about November 11, 1988, at approximately 1345 hours, CHP Lieutenant Alex Jones responded to the San Mateo County Jail regarding the arrest of two off-duty SFPD officers. CHP Lieutenant Jones arrived at the San Mateo County Jail at approximately the same time as the two CHP vehicles driven by Sergeant Nelson and Officer Dwyer which were transporting Captain Goad and the accused;

(15) CHP Lieutenant Jones met CHP Sergeant Nelson and Officer Dwyer in the parking lot. While Lieutenant Jones was discussing the matter with the officers, the accused activated the horn of the CHP vehicle he was sitting in approximately two (2) times. The accused was then removed from the CHP vehicle and taken into the San Mateo County Jail;

(16) On or about November 11, 1988, while being escorted to the booking area of the San Mateo County Jail, the accused threatened to beat up the CHP officers;

(17) On or about November 11, 1988, the accused threatened the life of CHP Officer Binion and his family. The accused also threatened to beat up CHP Lieutenant Jones and warned CHP Lieutenant Jones about coming through the Taraval District. The accused also used obscenities toward CHP Lieutenant Jones, Sergeant Nelson and Officers Dwyer and Binion;

(18) The accused was also uncooperative and used obscenities towards the San Mateo County Sheriff Deputies while he was being booked;

(19) On or about November 11, 1988, at approximately 1400 hours, the accused was placed in a holding cell after being booked. After being placed in the holding cell, the accused struck the window of the holding cell with his fists and kicked the door of the holding cell with his feet numerous times. The accused also threatened to get even with the San Mateo County Sheriff Deputies if they came into San Francisco;

(20) On or about November 11, 1988, at approximately 1425 hours, San Mateo Deputy Sheriff Daren

Schofield, Star No. 440, opened the door of the holding cell that the accused was pounding on and the accused moved toward Deputy Sheriff Schofield in a fighting stance. Deputy Sheriff Schofield immediately closed the cell door to avoid a physical confrontation with the accused;

(21) The accused, by activating the CHP vehicle horn several times after being arrested, by challenging San Mateo Deputy Sheriffs to fight, by kicking and pounding on the holding cell door at the San Mateo County

Jail, by threatening the lives of several CHP Officers and several San Mateo County Sheriff Deputies who were performing their duties, has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, November 1, 1989, and on Wednesday, November 1, 1989, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications 1 and 2 as preferred by the Chief of Police against Police Officer Henry J. Fikkers are sustained by a preponderance of evidence presented; therefore, be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Ninety (90) days suspension to be imposed immediately and join the Department's D-4 Program.

SPECIFICATION NO. 2

Termination to be held in abeyance for two years.

and be it further

RESOLVED, that the ninety (90) calendar days suspension shall commence on Thursday, November 2, 1989 at 0001 hours and end Tuesday, January 30, 1990 at 2400 hours; and be it further

RESOLVED, that if any violation occurs during the two year period held in abeyance, termination shall be imposed.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

Recess taken during the hearing of Officer Fikkers:

8:20 p.m. to 8:22 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The Commission, thereafter, adjourned at 8:23 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5426M

Minutes

NOVEMBER 8, 1989 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, November 8, 1989 at 4:00 PM in a Special Meeting.

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HEARING OF POLICE INSPECTOR FRANK C. McCOY, INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau, Homicide Section, was called it having been continued from the meeting of October 11, 1989.

Inspector Frank C. McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibits were entered into evidence by the Defense:

Exhibit Y Tape Transcripts of Aissa Smith, 6 copies

Exhibit Z One Audio Tape of Statements of Kali Smith, 11-28-87

The hearing was then continued to future dates to be determined upon mutual agreement by prosecuting and defense attorneys.*

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recesses taken during the hearing of Inspector McCoy:

5:25 p.m. to 6:45 p.m.
7:38 p.m. to 7:52 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

*The following dates were mutually agreed on by the attorneys:

November 30, 1989, Thursday, 8:00 a.m.
December 19, 1989, Tuesday, 9:00 a.m.

HEARING OF POLICE INSPECTOR MARVIN V. DEAN, INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau, Homicide Section, was called it having been continued from the meeting of October 11, 1989.

Inspector Marvin V. Dean appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibits were entered into evidence by the Defense:

Exhibit Y Tape Transcripts of Aissa Smith, 6 copies

Exhibit Z One Audio Tape of Statements of Kali Smith, 11-28-87

The hearing was then continued to future dates to be determined upon mutual agreement by prosecuting and defense attorneys.*

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recesses taken during the hearing of Inspector Dean:

5:25 p.m. to 6:45 p.m.
7:38 p.m. to 7:52 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

*The following dates were mutually agreed on by the attorneys:

November 30, 1989, Thursday, 8:00 a.m.
December 19, 1989, Tuesday, 9:00 a.m.

HEARING OF POLICE INSPECTOR WILLIAM F. KIDD, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau, General Work Section, was called it having been continued from the meeting of October 11, 1989.

Inspector William F. Kidd appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibits were entered into evidence by the Defense:

Exhibit Y Tape Transcripts of Aissa Smith, 6 copies
Exhibit Z One Audio Tape of Statements of Kali Smith, 11-28-87

The hearing was then continued to future dates to be determined upon mutual agreement by prosecuting and defense attorneys.*

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recesses taken during the hearing of Inspector Kidd:

5:25 p.m. to 6:45 p.m.
7:38 p.m. to 7:52 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

*The following dates were mutually agreed on by the attorneys:

November 30, 1989, Thursday, 8:00 a.m.
December 19, 1989, Tuesday, 9:00 a.m.

HEARING OF POLICE INSPECTOR ANTONIO L. CASILLAS, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau, General Work Section, was called it having been continued from the meeting of October 11, 1989.

Inspector Antonio L. Casillas appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibits were entered into evidence by the Defense:

Exhibit Y Tape Transcripts of Aissa Smith, 6 copies
Exhibit Z One Audio Tape of Statements of Kali Smith, 11-28-87

The hearing was then continued to future dates to be determined upon mutual agreement by prosecuting and defense attorneys.*

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

Recesses taken during the hearing of Inspector Casillas:

5:25 p.m. to 6:45 p.m.
7:38 p.m. to 7:52 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

*The following dates were mutually agreed on by the attorneys:

November 30, 1989, Thursday, 8:00 a.m.
December 19, 1989, Tuesday, 9:00 a.m.

NOVEMBER 8, 1989 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, November 8, 1989 at 5:30 p.m. in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF AUGUST 9, 1989

Approval of Minutes of Meeting of August 9, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1482-89

C.S.A.A. INSURANCE (INS: ANTONIO & REINA GAMEZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of C.S.A.A. Insurance (Ins.: Antonio and Reina Gamez) in the sum of $754.26 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 4, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1483-89

SUSAN S. REICHLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan S. Reichle in the sum of $190.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: October 6, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1484-89

LEO J. TOM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leo J. Tom in the sum of $145.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: October 16, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1485-89

ARTHUR SCOTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur Scott in the sum of $125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: October 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1486-89

PABLO EDWARDO RODRIGUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pablo Edwardo Rodriguez in the sum of $125.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: October 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1487-89

COLUMBUS NELSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Columbus Nelson in the sum of $100.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 26, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1488-89

DAVID HELVARG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Helvarg in the sum of $100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: October 12, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1489-89

DONNA FINE SCHAFFER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donna Fine Schaffer in the sum of $100.00 for vehicle tow, be, and the same is hereby approved.

Date of Incident: October 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1490-89

SENG THONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Seng Thong in the sum of $100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: October 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1491-89

ALFREDO HERRERA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alfredo Herrera in the sum of $100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 24, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1492-89

JAMES HAWKINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Hawkins in the sum of $100.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: September 15, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1493-89

JEFFREY A. GRAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey A. Gray in the sum of $90.00 as a result of an arrest tow, be, and the same is hereby approved.

Date of Incident: September 17, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1494-89

PATRICK FRANCESEHI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick Francesehi in the sum of $90.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: September 25, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1495-89

JOHN LONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Long in the sum of $90.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: October 10, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1496-89

STEVE WAXMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steve Waxman in the sum of $90.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: October 19, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1497-89

SUZANNE SNEERINGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suzanne Sneeringer in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: October 6, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1498-89

VITO BADALAMENTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vito Badalamenti in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: October 16, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1499-89

DOLORES M. OVIEDO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dolores M. Oviedo in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: September 18, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1500-89

EUN K. KIM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eun K. Kim in the sum of $80.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 15, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1501-89

M. J. CODONER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of M. J. Codoner in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: October 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1502-89

MICHAEL HETH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Heth in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: August 30, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1503-89

ROLAND LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roland Lee in the sum of $80.00 as a result of an illegal tow, be, and the same is hereby approved.

Date of Incident: October 5, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1504-89

PAUL R. LOZADA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul R. Lozada in the sum of $35.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: August 21, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that there is no Police Commission report this evening.

(a) PUBLIC COMMENTS

Emperor Arcadia came forth and stated that he had expended himself earlier this evening but he put down his cause and cure for AIDS on the Commission's Chalk Board, in writing, as the Commission asked him to do. He said each Commissioner has the power to deputize and he would like for them to deputize him as their Ombudsman. He said he wanted some complaint forms, some OCC complaint forms, and he would set up a field office in his bus that is located in front of the public library. He said he wants to decorate the whole library front first of all for Christmas to give the Commission an example of what he is trying to do. Commissioner Giraudo advised him tht deputize him was far beyond the Commission's authority to do and thanked him for his presentation.

The next speaker was Mr. Robert Rubin, San Francisco Lawyers Guild for Urban Affairs. He said he was here in regards to the letter he had sent to the Commission regarding the Board of Supervisors Resolution on San Francisco designating the city as a Sanctuary City.

Commissioner Giraudo advised Mr. Rubin that there was a Memorandum of Understanding that was entered into between the Police Department and the Immigration and Naturalization Service (INS) and the Alcoholic Beverage Control (ABC).

Mr. Rubin said he had seen that MOU and it had been entered into prior to the enactment of the Ordinance. He said this Ordinance now signed by the Mayor into law directs all departments in the City to take certain steps pursuant to that Ordinance. He said it requires the Police Department to take certain steps to implement and issue a written directive to all members within the Department regarding the Ordinance's various requirements.

Commissioner Giraudo said it was his understanding that it was done so vis a vis the Memorandum of Understanding the order that was entered into clarifying that it was not the job of the SFPD to participate on those types of raids. After further discussion the Commission and the Chief agreed that a meeting would be held with Mr. Rubin to see if some kind of written directive format could be agreed upon to be presented in the form of a Public Hearing before the Commission.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan advised the Commission that he would submit the findings of his investigation on the October 6, 1989, ACT-UP Demonstraton at Castro and Market and read the following statement in the record:

"I have conducted an investigation of the police response to the October 6, 1989 demonstration at Castro and Market Streets. Further inquiry and disciplinary actions may be warranted. However, based on the results of my investigation to date, I believe that certain remedial actions should be taken immediately.

After reviewing the available reports and video tapes, it is my conclusion that civil disobedience did in fact occur when the intersection of Castro and Market was blocked by demonstrators who staged a sit-in on October 6, 1989.

Appropriate police response would be to isolate the immediate problem and attempt to avoid further escalation if possible.

After an unlawful assembly has been declared and adequate notice given to disperse, demonstrators who remain after officers move into the area in accordance with Department procedures, should be arrested.

I disagree with the subsequent decision made by Acting Captain Robert Fife to clear the streets and sidewalks in a four (4) block area in the Castro District. By this action, previously uninvolved bystanders and residents were negatively affected.

The Operations Order issued by the Special Operations Bureau should have included as overall Event Commander for the ACT-UP Demonstration, a Commander or Deputy Chief, not an Acting Captain.

Over 158 police officers were assigned to this event from seven districts, the Tactical Company, the Muni Transit Company, and the Traffic Company. This clearly mandated a high ranking police adminstrator to be in charge and on scene.

When two (2) officers of equal rank, in this case, Captain, have important and interrelating responsibilities at the scen of a demonstration, confusion can occur. It is in everyone's best interest to have a higher ranking officer available for clarification of ongoing decisions and evaluation of the total picture. This was not done. This very issue of command presence had been discussed by me in previous command level staff meetings, including the Wednesday before the ACT-UP Demonstration.

As a result of my investigation I have taken the following actions:

1. I have ordered that a statement be included in the Event Management Manual which will, without exception, require the presence of a Commander or higher at all events where two or more captains have specified duties or assignments.

2. I have ordered a reconstitution of the Tactical Company. I have come to the conclusion that it is best not to rely so heavily on this one unit on an almost daily basis to handle crowd control and crowd management. Members of the Tactical Company are highly-trained and highly-skilled in the performance of their duties. They have proven themselves on many occasions over the years in extremely dangerous and violent situations including, but not limited to, sniper incidents, hostage incidents, barricaded suspects, disarming of explosive devices, etc.

   I am relieving this company of its crowd control duties and transferring them to officers in the nine district stations.

3. The Honda Unit and Mounted Unit will be separated from the Tactical Company and function as a separate platoon, operating out of the Park and Richmond Districts.

3. The remaining units of the Tactical Company (SWAT, EOD, DOGS) will become a special violent crimes unit under the command of a lieutenant. Assigned members will perform their police responsibilities in high crime areas, but may also be called upon in the event of violent disturbances or riots.

In addition, as Chief of Police, I have taken the following adminstrative personnel actions:

a. Captain Richard Cairns has been reassigned to Patrol Bureau Headquarters in an administrative capacity pending the outcome of the OCC investigation into his conduct on the night of October 6, 1989.

b. Acting Captain Robert Fife has been temporarily reassigned to the Traffic Division in a relief capacity. I believe that Acting Captain Fife was not given adequate on-site command supervision to assist him in his decision making role on the night of October 6, 1989.

c. Deputy Chief Frank Reed, Patrol Bureau has been reprimanded by me for not taking actions to modify the Operations Order issued by Deputy Chief Jordan. Deputy Chief Reed should have brought to the attention of Deputy Chief Jordan my previous verbal orders regarding command presence, rather than merely complying with the Operations Order. Our General Orders are very clear in this regard.

d. Deputy Chief John Jordan is currently on disability leave and this precludes me from taking any administrative action regarding him at this time."

He said that is the statement that he has at this time and it in no way slows down or impedes the Commission's investigation that it has on the 23 or 24 questions they want the Department to clarify at a full public hearing on Wednesday, November 29, 1989 here at the Police Commission.

Commissioner Giraudo said the Commission would go forward on the 29th with both the questions that was submitted and with the Tactical Unit as it existed then as the Chief has described this evening so that the Commission has a better understanding of what that policy means and what it means to the Department and to the people of San Francisco.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer, OCC Director said he had no report for the Commission this evening.

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Jose Medina acted as Chairperson for the Awards Committee on Friday, November 3, 1989. He mentioned that there were two (2) Gold Medals, the highest awards in the Department, given out that date along with the many other awards. He then made a motion for the Commission to accept the Awards Committee recommendation which was seconded by Commissioner Nelder and a date for presentation of those awards was set for December 6, 1989.

RESOLUTION NO. 1468-89

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 0-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, November 3, 1989; and

WHEREAS, Chief of Police Frank M. Jordan has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officer Jeremiah Buckley and Officer James Dudley are hereby awarded the Gold Medals of Valor and granted a reward of $500.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Sergeant Robert Hulsey, Sergeant Frank McDonagh, Officer Kenneth Nieman and Officer Philip Tummarello, be, and they are hereby awarded Silver Medals of Valor and granted rewards of $300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Officer Susan Canaan, Officer Matthew Castagnola, Officer Joseph Carroll, Officer Gregory Clark, Officer Kevin Dempsey, Officer Craig Farrell, Officer Colleen Fatooh, Officer John Geraty, Officer Daniel Greely, Officer Christine Lee*, Officer Rex Lewin, Officer Mark Macaulay, Officer Anne MacKenzie, Officer Ignacio Martinez, Officer Joseph McCloskey, Officer John Miller*, Officer Michael Moran, Officer Thomas Murphy, Officer George Nazzal, Officer Philip Stevens, Officer John Syme, Officer Marlene Willhoite, Housing Officer Lucian Vance and Assistant Patrol Special Officer John Smith, be, and they are hereby awarded Bronze Medals of Valor and granted rewards of $150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeant David Roccaforte, Inspector Jeffrey Brosch, Inspector Edward J. Erdelatz, Inspector Gary A. Elsenbroich**, Inspector Theodore C. Peck, Inspector George Walsh, Officer Lewis Bronfeld, Officer William Bush, Officer John Colla, Officer Michael Huddleston, Officer Robert Jensen, Officer Mark McDonough, Officer Henry Parra, Officer Juanita Stockwell and Officer Vincent Vago, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of $150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

* Resigned
**Two Meritorious Conduct Awards

REQUEST FOR POLICE COMMISSION APPROVAL OF ACCEPTANCE OF A HORSE DONATED TO THE SAN FRANCISCO POLICE DEPARTMENT MOUNTED UNIT BY MS. KAREN GULMON, SEBASTOPOL, CA

Chief of Police Frank Jordan said this particular horse had been checked out by the SFPD

and by a veterinarian and is well qualified to be a Mounted Unit Horse. He said it would be a replacement for one of three other horses that have been put out to pasture in the last three (3) months with no replacements. Commissioner Nelder said he would move approval, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 1469-89

APPROVAL TO ACCEPT A DONATION OF A HORSE TO THE SAN FRANCISCO POLICE DEPARTMENT MOUNTED UNIT BY MS. KAREN GULMON

WHEREAS, Ms. Karen Gulmon of Sebastopol, California, has offered to donate a horse for the use of the San Francisco Police Department Mounted Unit, and

WHEREAS, this civic minded gesture will provide needed assistance in the protection of life and property in San Francisco, and

WHEREAS, Section 10.116 of the San Francisco Administrative Code allows for the acceptance of gifts by the Department Head of gifts to the City and County of San Francisco of a value of five thousand dollars ($5,000) or less, and

WHEREAS, the generous gift from Ms. Gulmon has an estimated value of $5,000; now therefore, be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes the Chief of Police to accept on behalf of the San Francisco Police Department, a gift from Ms. Karen Gulmon of a horse to be used by the San Francisco Police Department Mounted Unit.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #T0016 ISSUED TO LARRY AND JUNE ALHADEFF

Officer Linda Flanders said the complaint against the Alhadeff's is in regards to the management of their taxicab medallion. She said the Taxicab Detail believes that they take no responsibility for it and yet profit the most financially. She said on June 15th the Taxicab Detail was contacted by the security manager of the SF Hilton Hotel who stated that an Allied Cab #16 had been parked unattended in front of their hotel for over an hour creating a hazard. Sergeant Manini called the Allied Cab Yard and was told that #16 does not operate out of the yard but it operated separately by the Alhadeff's. She said she personally went to the hotel and saw that the cab was a hazard as the other taxis had go around it and into on-coming traffic to pull back in front of it to get into the hotel lines. She said the doorman said it had been parked there since he came to work that morning at 6 AM and it was then 10:30 AM. She said she entered the vehicle and found Taxi Medallion #16 in its folder where it was supposed to be and on the back of it was an identification card for Gary Belinki. She said on the floor of the vehicle she found a wallet and she looked into it

and the only thing she found was an A Card for a gentleman by the name of Hassan R. Aliza. She said Sgt. Manini then contacted Gary Belinki who said he does lease the cab from the Alhadeff's and he in turn had leased it to Mr. Aliza. She said Mr. Belinki said Mr. Aliza was to return the cab to Mr. Belinki at 8 AM that morning but had not done so. She said Mr. Aliza did not know how to reach Mr. Belinki nor did he know of his whereabouts. She said he also admitted he never collected waybills from Mr. Aliza which again is the Taxi Details' only form of evidence as to who drives the taxicab. She said a computer check was done on Mr. Aliza's driver's license and it was revealed it had been revoked for driving under the influence and he no longer lives at the stated address and to this date she said they have never heard from him. She said the whole matter is now being brought to the Commission for a disciplinary hearing. She said as of November 1, the Alhadeff's have turned over the management of their cab to Allied Cab Co. She then went through a history of violations accrued and penalties received by the Alhadeff's and their taxi cab operation. She said the Department is recommending a suspension even if it were held in abeyance and if accepted the Captain did have some stipulations that he would like to see imposed.

Mr. Ed Solomon, Attorney for the Alhadeff's then addressed the Commission. He said in the Alhadeff's defense they gave Mr. Belinki, who did operate the cab out of Allied, instructions to bring in waybills to Allied. He said the driver, Aliza, had gotten through the Police Department with an A Card and it was not Allied's fault as they did not issue A Cards. He said if an insurance carrier finds out such a driver has numerous DUI's they would not allow him to work or insure that company. He said so it is to the Allied Cab Company's benefit to find out that such drivers exist but they do rely on the city who issues the A Cards. Mr. Solomon said the Alhadeff's no longer has Mr. Belinki with them and has now taken steps to remove their cabs from Allied and will place them with National under the supervision of Mr. O'Connor who is a veteran taxicab industry person.

Mr. John O'Connor then said, in respect to Commissioner Nelder's question of how will the Taxicab Detail keep track of this operation, that with his many years in the industry he had learned enough to run an update front running cab company. He said he was known by the police department as a person that abides by the law. He said these cabs will be run as strict and in accordance with all laws and what was spoken of as previously occurred with these cabs could never happen with his operation. Commissioner Nelder said that he would make a motion that the recommendation of the Taxicab Permit Section be accepted as stated by Officer Flanders. Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 1470-89

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #T0016 ISSUED TO LARRY AND JUNE ALHADEFF

WHEREAS, the request of the Chief of Police for a hearing on the revocation of Taxicab Permit #T0016 issued to Larry and June Alhadeff was called, it having been continued from the meeting of October 25, 1989; and

WHEREAS, investigation by the Taxicab Section, Permit Division, revealed that Larry and June Alhadeff were in violation of the Chief's Rules and Regulations pertaining to taxicabs; therefore be it

RESOLVED, that it is the findings and decision of the Police Commission that Permit #T0016 issued to Larry and June Alhadeff be suspended, said suspension to be held in abeyance for one year, with the following stipulations to be imposed:

1. Waybills are to be kept at the color scheme holder's place of business.

2. One year probation

3. Taxicab to be stored in the color scheme holder's lot when not in use.

4. Taxicab to be dispatched from the color scheme holder's office.

5. Written agreement between the Alhadeffs and the manager of the cabs to be on file with the Taxicab Section and subject to the Taxicab Section's approval.

6. The Alhadeffs acknowledge, in writing, that they are fully responsible for the operation of their taxicab medallions.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1471-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER ALEJANDRO G. VERZOSA, POTRERO STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Alejandro G. Verzosa, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Verzosa be set for April 11, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer Alejandro G. Verzosa is set for Wednesday, April 11, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1472-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER JAMES T. RAMSEY, SOUTHERN STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer James T. Ramsey, Southern Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Ramsey be set for March 14, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer James T. Ramsey is set for Wednesday, March 14, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1473-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER THOMAS R. ARGO, CENTRAL STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Thomas R. Argo, Central Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Argo be set for April 4, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer Thomas R. Argo is set for Wednesday, April 4, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1474-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER JOHN J. BLESSING, SPECIAL OPERATIONS BUREAU TASK FORCE

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer John J. Blessing, Special Operations Bureau Task Force, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Blessing be set for February 28, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer John J. Blessing is set for Wednesday, February 28, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1475-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER STEPHEN H. GLICKMAN, TARAVAL STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Stephen H. Glickman, Taraval Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Glickman be set for February 7, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer Stephen H. Glickman is set for Wednesday, February 7, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1476-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER SAM WONG, SPECIAL OPERATIONS BUREAU TASK FORCE

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Sam Wong, Special Operations Bureau Task Force, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Wong be set for March 7, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer Sam Wong is set for Wednesday, March 7, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1477-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER DAVID A. FAINGOLD, SPECIAL OPERATIONS BUREAU TASK FORCE

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer David A. Faingold, Special Operations Bureau Task Force, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Faingold be set for March 7, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer David A. Faingold is set for Wednesday, March 7, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1478-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER BRENDA G. RODGERS, INGLESIDE STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Brenda G. Rodgers, Ingleside Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Rodgers be set for April 25, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer Brenda G. Rodgers is set for Wednesday, April 25, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1479-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER BERNARD J. SULLIVAN, SPECIAL OPERATIONS BUREAU - TACTICAL DIVISION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Bernard J. Sullivan, Special Operations Bureau - Tactical Division, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Sullivan be set for March 28, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer Bernard J. Sullivan is set for Wednesday, March 28, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1480-89

HEARING OF POLICE OFFICER WALLACE w. GIN, POTRERO STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Wallace W. Gin, Potrero Station, was called it having been set for this date; and

WHEREAS, it was requested by Ms. Carole Seliger, Attorney at Law representing Officer Gin, that the date for the hearing of disciplinary charges filed against Officer Gin be continued to a later date; therefore be it

RESOLVED, that the date for the hearing of Officer Wallace W. Gin is continued to Wednesday, March 21, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 1481-89

HEARING OF POLICE OFFICER CLIFTON F. FOGARTY, POTRERO STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Clifton F. Fogarty, Potrero Station, was called it having been set for this date; and

WHEREAS, it was requested by Ms. Carole Seliger, Attorney at Law representing Officer Fogarty, that the date for the hearing of disciplinary charges

filed against Officer Fogarty be continued to a later date; therefore be it

RESOLVED, that the date for the hearing of Officer Clifton F. Fogarty is continued to Wednesday, March 21, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina, Nelder

The Commission then reconvened the Special Meeting item that began at 4:00 PM and continued thereafter until adjournment at 7:55 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
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[SF] [MINUTES]

NOVEMBER 29, 1989 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, November 29, 1989 at 5:00 p.m. in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference

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NOVEMBER 29, 1989 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, November 29, 1989 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

Prior to Roll Call, Commissioner Giraudo made the following announcement:

"I suspect that there are a number of people here this evening who are here for the item in respect to the Department's response to the questions that were submitted by the Commission revolving about the incident in the Castro some weeks ago as well as the public hearing on recommendation on Revamping the Tactical Unit. Commissioner Gwenn Craig's father died and she is in Atlanta attending the funeral for her father and she has asked that we continue the Hearing primarily because of the fact that both of the questions that were submitted to the Department were submitted by her. We made an attempt to reschedule the Hearing for Friday afternoon hoping that she could get back by 1 o'clock that day only to find out that the Chief of Police will be in Washington, D.C. on Friday. So we are going to wait for Commissioner Craig to come back and we will reschedule the Hearing. Hopefully we will be able to specially set it and in the event that we are not, we will have to have it on December 20th. I apologize for the inconvenience but the Commissioner has requested that we continue the matter so that she is able to attend the Hearing and to hear the response of the Department that will obviously be shared publicly. So I apologize for the incovenience we were not sure that she was not going to make it back today until yesterday and so I apologize to all of you that we were not able to get notice out to you. But it is just a situation that we had no control over. We will try our best to disseminate information through the press and through the various organizations that have expressed interest in attending the Hearing at that time to let you know the date certain as soon as she arrives back."

APPROVAL OF MINUTES OF MEETING OF AUGUST 23, 1989

Approval of Minutes of Meeting of August 23, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1520-89

ALLSTATE INSURANCE CO. (ROSADIA D. ESCUETA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allstate Insurance Co. (Rosadia D. Escueta) in the sum of $4,164.92 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 17, 1989

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

RESOLUTION NO. 1521-89

FRED DOUGLAS LONDON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fred Douglas London in the sum of $3,725.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 18, 1989

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

RESOLUTION NO. 1522-89

SAMUEL BENTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Samuel Benton in the sum of $490.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 17, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

RESOLUTION NO. 1523-89

NICHOLAS C. COOK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nicholas C. Cook in the sum of $315.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 22, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

RESOLUTION NO. 1524-89

SEMYON KOMANOVSKY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Semyon Komanovsky in the sum of $290.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

RESOLUTION NO. 1525-89

CHARLES R. OGLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles R. Ogle in the sum of $205.00 for recovery tow, be, and the same is hereby approved.

Date of Incident: August 27, 1989

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session tonight on litigation and Personnel matters and no vote was taken.

(a) PUBLIC COMMENTS

Mr. John O'Brien came forth and said he had come to ask the Commission to please arrest the Police Department and he did not mean the technical term of taking them into custody. He said he meant for the Commission to curb their abuses. He said more recently during the Emperor Norton Event when the Police Officers were at the Civic Center harrassing people, they harrassed a helpless woman in a wheelchair. He said she was an elderly woman and in the course of their harrassment they discarded her property among which was a book on which she had invested five (5) years into preparing the manuscript. He said that is typical of the kinds of things the police are doing under color of law that are in violation of all of their property laws. After further details of other such incidents he said he wanted to drop off a set of his latest documents on homelessness and he had a full set for the new Commissioner, Mr. John Keker.

Mr. Keith McHenry, Food not Bombs, addressed the Commission and said that as they are probably aware that when the whitewashing of the Dolores Huerta case had occurred over a year ago they stated that if the Police Commission and the OCC and the Mayor's Office and other bodies that are responsible for trying to control the Police were unable to do so that they would set up an organization in San Francisco that would in fact do just that. He said that would be to start to regain control of the police. He said obviously during that period of time he had also stated they should call a police state, a police state and many people have come to

have known that this police state is in fact a police state and is out of control and is a para-military occupying force of this city terrorizing large numbers of poor people on a daily basis. He said as a result of making that threat he would be happy to announce this evening the formation of ASAP which started the last couple of weeks and is an organization of citizens groups who have been victims of police brutality and police attacks since a longshoreman's murder back in the early 1900's to the present. He said so the Commission and everyone will be seeing a lot more of them in the coming month and years particularly if these police atrocities do not stop. He said he hoped that the Police Commission will be willing to work with this organization.

Mr. Ed Dwyer, said he was going to speak about the Tac Squad and about October 6 which obviously he could not speak about now but what he would like to point out as he remembers from the day that the Chief was asked for his answers to the questions that he said he was going to reply in writing. He said he did not see any reason why the Chief could not reply in writing and submit them to the Commission tonight and that they be made public now so that people could comment upon them on December 20th or whatever other date when there is a public meeting on the issue. He said he would also like to recommend to the Commission the Human Rights Commission report on the police and the Bar Association Report on Police Practices which indicate extreme problems some of which can be solved by the Police Commission itself.

Ms. Brendeese Tobin, said she would just like to point out that when all of these meetings are put off and delayed, however, avoidably or unavoidably, that there are a lot of people who are in pain, physical pain, everyday as a result of police actions on October 6, and they will be reminded by that physical pain and they will be back and the Commission will be hearing from them.

Mr. Chris Smith, said that he would like it to be officially noted that there were a number of people, a large number of people, who came tonight to address obviously two items that were dropped. He said he thinks that should be put down in the Commission's minutes or records some place and that there are a large group of people not only is ASAP organizing but there are a large number of people coming to these meetings now and it is because something is wrong and it needs to be fixed and he feels that it is the Commission's job and they expect to see that happen.

Mr. Terry Evans, said that he noticed in one of the local newspapers that at a November 15th Hearing that the Commission allowed the introduction of a witnesses arrest record into the the record during a disciplinary hearing. He said his question is in the future will the Commission also allow the introduction of an Officer's complaint record into the record. Commissioner Giraudo said it has occurred and it does occur when it is at issue when one is introduced into evidence or when it is used for purposes of impeachment. He said he did not know which incident he was speaking of so it was very difficult for him to respond. Mr. Evans said according to a Bay Guardian article that he read in regards to the Commission's November 15th Disciplinary Hearing against Officer Kirley, the defense attorney for the officer, when cross

examining a witness was allowed to introduce into the record the witnesses arrest record. Commissioner advised that he would have to take a look at the transcript as he did not really recall the factual situation but he would be happy to respond in a week's time. He said it is not a question of policy it is a question of law and due process and how it is introduced into evidence at that particular time.

Mr. Time Osher, came forth and asked Commission Giraudo if he was familiar with the program that KQED put on entitled "Shield for Abuse" and received an affirmative response from the Commission. Mr. Osher said he was curious as to why there were no prosecution of police officers who were involved in that.

Commissioner Giraudo said he was not familiar with the cases as there were 12 or 15 officers named and it would be a question of going through each and every case. He said his understanding is that those cases went back for some period of time.

Mr. Osher then said is it the Commissioner's responsibility to know about these kinds of things and if so why doesn't he know about it. He said he was concerned as a citizen that there has been so much police abuse but as far as he had heard there has been no prosecution of any police officers. Commissioner Giraudo advised him that the Commission spends countless hours in the Commission Hearing Room in disciplinary Hearings involving police officers who have violated the Rules and Procedures of the SFPD or the laws of the city.

Mr. Osher said he was wondering if police officers are subject to the same laws of the city as other citizens and if so he would like to know why aren't they put in jail.

Commissioner Giraudo advised him that the Commission sits as policy making board and as a Disciplinary Board and arresting anyone does not come under its jurisdiction. He said it is not a Criminal Court or a Civil Court but as an Administrative Body.

Commissioner Medina said the Commission can certainly address the concerns he may have but can only deal with those particular disciplinary cases that come before them during their tenure as police commissioners.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan gave the Commission an update on the construction crane accident down on California and Kearny. He said most of the debris has been removed but PG&E is working on some of the gas lines. He said they are now attempting to restore gas except right in the immediate vicinity of California and Kearny. He said the Department still has to keep four square blocks closed to vehicular and pedestrian traffic because of the safety hazards there. He said it is his understanding that a large crane has come into place, the base, and by midnight they will start constructing the crane to go all the way up to the top floor of the new construction sight where the first crane fell to the ground. He said by the end of the week they hope to just have

California and Kearny as the only areas to be closed. He said they feel at this point they have adequate police staffing and using Parking Controllers as well for cordoning off the area and they are working closely with the Department of Public Works Bureau of Building Inspection and other Emergency Services Personnel.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, OCC Director advised the Commission that he would be in Chicago next week and he would send correspondence to the Commission notifying that he would leave Irene Rapoza in charge. He said he has given Lieutenant Frazier statistical reports for the month of August for the Commission's perusal. Commissioner Giraudo said if the Commission had questions they would ask them at the next meeting.

Commissioner Medina said in regard to the Hearing that they are going to have on the Tactical Unit, he would like for Mr. Langer to proceed with the report in regard to the number of complaints of unnecessary force generated by the Tactical Unit over a given period for the hearing of the 20th.

PUBLIC HEARING ON RECOMMENDATION OF REVAMPING OF THE TACTICAL UNIT

and

POLICE CHIEF'S RESPONSE TO COMMISSIONER GWENN CRAIG'S 23-POINT QUERY REGARDING ACT-UP DEMONSTRATION IN THE CASTRO DISTRICT ON OCTOBER 6, 1989

These items were disposed of by Commissioner Giraudo's announcement in the beginning of the meeting.

RESOLUTION NO. 1516-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER VLADIMIR SHEGOLEFF, TARAVAL STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Vladimir Shegoleff, Taraval Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Shegoleff be set for April 18, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer Vladimir Shegoleff is set for Wednesday, April 18, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

RESOLUTION NO. 1517-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER GREGORY J. RANDOLPH, TECHNICAL SERVICES DIVISION - RECORDS UNIT

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Gregory J. Randolph, Technical Services Division - Records Unit, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Randolph be set for May 2, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer Gregory J. Randolph is set for Wednesday, May 2, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

RESOLUTION NO. 1518-89

SETTING OF DATE FOR HEARING OF POLICE SERGEANT GEORGE C. CARRINGTON, SOUTHERN STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Sergeant George C. Carrington, Southern Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Sergeant Carrington be set for February 28, 1990; therefore be it

RESOLVED, that the date for the hearing of Sergeant George C. Carrington is set for Wednesday, February 28, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

ACTION ON REQUEST TO WITHDRAW CHARGES PENDING AGAINST DECEASED POLICE OFFICER JOHN J. BLESSING, SPECIAL OPERATIONS BUREAU TASK FORCE

Mr. Michael Gash, Attorney for the Department said that the Department, at this time would join in the request that the charges be withdrawn from the Commission's Calendar.

Commissioner Medina said he would make a motion for approval, Commissioner Lee seconded and it was unanimously approved.

Commissioner Giraudo then said the Commission would like to adjourn this evening with a moment of silence in the memory of Police Officer Robert Almstead who recently died.

The meeting was then adjourned at 6:15 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5470M

[SF MINUTES]

NOVEMBER 30, 1989 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Streeet on Wednesday, November 30, 1989 at 8:00 a.m. in a Special Meeting.

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HEARING OF POLICE INSPECTOR FRANK C. McCOY, INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau, Homicide Section, was called it having been continued from the meeting of November 8, 1989.

Inspector Frank C. McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibits were entered into evidence by the Defense:

Exhibit AA Transcribed Statement from Audio Tape of Kali Smith, 11/28/87

Exhibit BB Memo from Lt. Richard Hess[illegible], OIC, General Work Section, 5/10/88, to all Members of General Work, Re: Transfer of Cases to Homicide Section

Exhibit CC Unit General Order 88-02, Major Scene Coordination

Exhibit DD Memo to Homicide Section Staff from Lt. Gerald J. McCarthy, OIC, 5/3/88, Re: Section Order, Transfer of Cases

Exhibit EE Chronological Report of Investigation, Case No. 871336939, Homicide Detail, 11/28/87

The hearing was then continued to Tuesday, December 19, 1989, at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

Recesses taken during the hearing of Inspector McCoy:

9:47 a.m. to 10:12 a.m.
12:00 noon to 1:40 p.m.
2:35 p.m. to 3:00 p.m.
3:47 p.m. to 3:58 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR MARVIN V. DEAN, INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau, Homicide Section, was called it having been continued from the meeting of November 8, 1989.

Inspector Marvin V. Dean appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibits were entered into evidence by the Defense:

Exhibit AA Transcribed Statement from Audio Tape of Kali Smith, 11/28/87

Exhibit BB Memo from Lt. Richard Hesselroth, OIC, General Work Section, 5/10/88, to all Members of General Work, Re: Transfer of Cases to Homicide Section

Exhibit CC Unit General Order 88-02, Major Scene Coordination

Exhibit DD Memo to Homicide Section Staff from Lt. Gerald J. McCarthy, OIC, 5/3/88, Re: Section Order, Transfer of Cases

Exhibit EE Chronological Report of Investigation, Case No. 871336939, Homicide Detail, 11/28/87

The hearing was then continued to Tuesday, December 19, 1989, at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

Recesses taken during the hearing of Inspector Dean:

9:47 a.m. to 10:12 a.m.
12:00 noon to 1:40 p.m.
2:35 p.m. to 3:00 p.m.
3:47 p.m. to 3:58 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR WILLIAM F. KIDD, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau, General Work Section, was called it having been continued from the meeting of November 8, 1989.

Inspector William F. Kidd appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibits were entered into evidence by the Defense:

Exhibit AA Transcribed Statement from Audio Tape of Kali Smith, 11/28/87

Exhibit BB Memo from Lt. Richard Hesselroth, OIC, General Work Section, 5/10/88, to all Members of General Work, Re: Transfer of Cases to Homicide Section

Exhibit CC Unit General Order 88-02, Major Scene Coordination

Exhibit DD Memo to Homicide Section Staff from Lt. Gerald J. McCarthy, OIC, 5/3/88, Re: Section Order, Transfer of Cases

Exhibit EE Chronological Report of Investigation, Case No. 871336939, Homicide Detail, 11/28/87

The hearing was then continued to Tuesday, December 19, 1989, at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

Recesses taken during the hearing of Inspector Kidd:

9:47 a.m. to 10:12 a.m.
12:00 noon to 1:40 p.m.
2:35 p.m. to 3:00 p.m.
3:47 p.m. to 3:58 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR ANTONIO L. CASILLAS, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau, General Work Section, was called it having been continued from the meeting of November 8, 1989.

Inspector Antonio L. Casillas appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The following exhibits were entered into evidence by the Defense:

Exhibit AA Transcribed Statement from Audio Tape of Kali Smith, 11/28/87

Exhibit BB Memo from Lt. Richard Hesselroth, OIC, General Work Section, 5/10/88, to all Members of General Work, Re: Transfer of Cases to Homicide Section

Exhibit CC Unit General Order 88-02, Major Scene Coordination

Exhibit DD Memo to Homicide Section Staff from Lt. Gerald J. McCarthy, OIC, 5/3/88, Re: Section Order, Transfer of Cases

Exhibit EE Chronological Report of Investigation, Case No. 871336939, Homicide Detail, 11/28/87

The hearing was then continued to Tuesday, December 19, 1989, at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Craig

Recesses taken during the hearing of Inspector Casillas:

9:47 a.m. to 10:12 a.m.
12:00 noon to 1:40 p.m.
2:35 p.m. to 3:00 p.m.
3:47 p.m. to 3:58 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 4:32 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5513M

DECEMBER 13, 1989 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, December 13, 1989 at 5:00 p.m. in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference

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DECEMBER 13, 1989 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, December 13, 1989 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

APPROVAL OF MINUTES OF SPECIAL MEETING AND REGULAR MEETING OF SEPTEMBER 6, 1989

Approval of Minutes of Special Meeting and Regular Meeting of September 6, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1566-89

LOLA COLLINS vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Lola Collins in the sum of $10,800.00 entitled "Lola Collins vs. CCSF, et al" in Superior Court No. 857-543 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 7, 1984

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1567-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $4,700.00 for faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1568-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $3,840.00 for faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1569-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $3,670.00 for faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1570-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $3,500.00 for faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1571-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $3,465.00 for faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1572-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $2,950.00 for faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1573-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $2,950.00 for faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1574-89

MICHAEL PUCCINELLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Puccinelli in the sum of $2,891.45 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 17, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1575-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $2,850.00 for faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1576-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $2,705.00 for faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1577-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $2,005.00 for faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1578-89

TIM E. WITTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tim E. Witter in the sum of $1,600.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 28, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1579-89

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Towees) in the sum of $1,540.00 for faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1580-89

ALEXANDER RAILEY-CISCO vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alexander Railey-Cisco in the amount of $800.00 entitled "Alexander Railey-Cisco vs. CCSF" in Superior Court No. 881-116 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 20, 1986

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1581-89

CITY TOW (LIPPEL, D.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Lippel, D.) in the sum of $575.00 as a result of faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1582-89

CITY TOW (SNORTUM, CHARLES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Snortum, Charles) in the sum of $480.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1583-89

CITY TOW (HILL, JAMES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Hill, James) in the sum of $455.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1584-89

CITY TOW (McGRUDER, CAROL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (McGruder, Carol) in the sum of $350.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1585-89

CITY TOW (NASRALLAH, NAIM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Nasrallah, Naim) in the sum of $325.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1586-89

CITY TOW (McHENNY, HARNY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (McHenny, Harny) in the sum of $295.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1587-89

CITY TOW (WEINHOLD, MATTHEW)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Weinhold, Matthew) in the sum of $285.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1588-89

CITY TOW (CASSIDY, BRIAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Cassidy, Brian) in the sum of $265.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1589-89

CITY TOW (RAYES-DESOL, EMANUEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Rayes-Desol, Emanuel) in the sum of $255.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1590-89

LILA RAY vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Lila Ray entitled "Lila Ray vs. CCSF, et al" in Municipal Court No. 015-462 in the amount of $250.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 15, 1987

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1591-89

MICHAEL MELANCON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Melancon in the sum of $179.60 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 16, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1592-89

CITY TOW (SANCHEZ, HERMELINDA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Sanchez, Hermelinda) in the sum of $175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1593-89

DAISY MONTGOMERY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daisy Montgomery in the sum of $160.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 14, 1989/September 15, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1594-89

ROBERT S. KARP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert S. Karp in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 10, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1595-89

ROGER JOSE HARNANDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roger Jose Harnandez in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 13, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1596-89

LYNETTE L. STRAUSS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lynette L. Strauss in the sum of $80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 20, 1988

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met this afternoon in Executive Session in an Attorney-Client Conference and no vote was taken. He then called for items 17 through 22 to be called out of order.

Mr. Steven Whitmore and Mr. James Lassart acknowledged their presence and stated they were appearing on behalf of their clients Captain William Welch and Sergeant James Hall respectively. Mr. Whitmore, in response to Commissioner Giraudo's question about Lieutenant Thomas Lang's attorney, Mr. James Collins, said Mr. Collins is expected he just did not see him here at this time.

Commissioner Giraudo said it was his understanding that Captain Welch had been hospitalized. Mr. Whitmore said that Captain Welch had some minor surgery on his back and his doctor had required him to stay in bed flat on his back for another three (3) weeks. He said however he would not know whether the Captain would be capable of being present during the hearings until the end of the three week period.

Commissioner Giraudo then suggested that the Commission calendar this three weeks from this meeting and then schedule it for a status report because of the Captain's condition and then set a date for the motions that have been filed to hear those and also on the request of the third part with respect to the confidentiality of the hearings and the Commission can dispense with those in one evening and that evening set a date for the hearing to proceed therefrom. It was then pointed out that the Commission would not be holding a meeting on January 3, 1990, Commissioner Giraudo then suggested January 10th. Commissioner Lee said he would make a motion to that effect, Commissioner Craig seconded.

Commissioner Giraudo then asked if there were any comments.

Commissioner Keker then said he was recused from this case and that he had recused himself because he has personal knowledge of some of the facts that are involved so he will not vote on any aspect, including procedural.

Commissioner Giraudo said there has been a request for recusal, and he would like a motion to allow Commissioner Keker to recuse himself from this particular matter. Commissioner Lee said he would so move, Commissioner Craig said she would second and it was unanimously approved. Items 17 through 22 were approved without the vote of Commissioner Keker.

RESOLUTION NO. 1560-89

POLICE COMMISSION CONSIDERATION ON DECLARATION OF JOHN J. JORDAN IN SUPPORT OF MOTION TO DISMISS SPECIFICATION NO. 1

WHEREAS, the date for the Police Commission consideration on declaration of Deputy Chief John J. Jordan in support of Motion to Dismiss Specification No. 1 was called, it having been set for this date; and

WHEREAS, it was requested by the Police Commission that the matter be continued for a status report on January 10, 1990; therefore be it

RESOLVED, that the date for a status report on the consideration of declaration of Deputy Chief John J. Jordan in support of Motion to Dismiss Specification No. 1 is set for Wednesday, January 10, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina

RESOLUTION NO. 1561-89

HEARING OF DEPUTY CHIEF JOHN J. JORDAN

WHEREAS, the date for the hearing of Deputy Chief John J. Jordan was called, it having been set for this date; and

WHEREAS, it was requested by the Police Commission that the matter be continued for a status report on January 10, 1990; therefore be it

RESOLVED, that the date for a status report on the hearing of disciplinary charges filed against Deputy Chief John J. Jordan is set for Wednesday, January 10, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina

RESOLUTION NO. 1562-89

POLICE COMMISSION CONSIDERATION ON REQUEST OF APPLICATION FOR DISCOVERY AND MOTION FOR RECONSIDERATION OF DENIAL OF DISCOVERY IN THE MATTER OF CAPTAIN WILLIAM WELCH, et al

WHEREAS, the Police Commission consideration on request of application for Discovery and Motion for Reconsideration of Denial of Discovery in the matter of Captain William Welch, et al, was called, it having been set for this date, and

WHEREAS, it was requested by the Police Commission that the matter be continued for a status report on January 10, 1990; therefore be it

RESOLVED, that the status report on the Police Commission consideration on request of application for discovery and Motion for Reconsideration of Denial of Discovery in the matter of Captain William Welch, et al, be set for Wednesday, January 10, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina

RESOLUTION NO. 1563-89

HEARING OF CAPTAIN WILLIAM N. WELCH, TRAFFIC DIVISION, PARKING AND TRAFFIC CONTROL

WHEREAS, the hearing of the disciplinary charges filed against Police Captain William N. Welch, Traffic Division, Parking and Traffic Control, was called, it having been set for this date, and

WHEREAS, it was requested by the Police Commission that the matter be continued for a status report on January 10, 1990; therefore be it

RESOLVED, that the status report on the hearing of Captain William N. Welch is set for Wednesday, January 10, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina

RESOLUTION NO. 1564-89

HEARING OF LIEUTENANT THOMAS J. LANG, TACTICAL DIVISION, SPECIAL OPERATIONS BUREAU

WHEREAS, the hearing of the disciplinary charges filed against Police Lieutenant Thomas J. Lang, Tactical Division, Special Operations Bureau, was called, it having been set for this date, and

WHEREAS, it was requested by the Police Commission that the matter be continued for a status report on January 10, 1990; therefore be it

RESOLVED, that the status report on the hearing of Lieutenant Thomas J. Lang is set for Wednesday, January 10, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina

RESOLUTION NO. 1565-89

HEARING OF SERGEANT JAMES B. HALL, TACTICAL DIVISION, SPECIAL OPERATIONS DIVISION

WHEREAS, the hearing of the disciplinary charges filed against Police Sergeant James B. Hall, Tactical Division, Special Operations Bureau, was called, it having been set for this date, and

WHEREAS, it was requested by the Police Commission that the matter be continued for a status report on January 10, 1990; therefore be it

RESOLVED, that the status report on the hearing of Sergeant James B. Hall is set for Wednesday, January 10, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina

POLICE COMMISSION REPORT

(a) PUBLIC COMMENTS

Mr. John Crew, ACLU, raised a concern about the Police Department's Intelligence gathering function. He mentioned for instance an incident where a police inspector using falsified press credentials posed as a TV cameraman to make a video tape of a peaceful protest and that video tape was not about crowd control techniques, because the crowd was small and it was a lawful protest and there were no crowd control measures necessary. He said there were only a handful of officers standing nearby. He said it was not to document evidence because there was no encounter with the police. He said they have seen that video tape and it is of mug shots, waist and above close-ups of lawful peaceful protestors. He said so they think at this time with all due respect to the Chief there needs to be a hearing to discuss this issue and in particular look at the recommendations of the Human Rights Commission, which were endorsed this past Monday by the Board of Supervisors by a nine to one vote. He said also a particular look should be made toward adopting the Seattle style policy, a working model

that's been in place in Seattle since 1980 that not only very carefully defines what and when and how intelligence should and should not be collected but also how it's shared with other agencies and perhaps most importantly who should have the oversight. He said there is a civilian auditor in Seattle that insures compliance so when the Chief of Police says there's only going to be criminally based intelligence gathering, there is some opportunity, some mechanism to make sure that takes place. He said so they strongly request the Commission to calendar a discussion of this type and particularly on the Human Rights Commission's Proposals.

Commissioner Medina then said that given the concerns expressed in regard to this matter, he would like to move that the Commission calendar this for further discussion and that the Commission members be provided with a copy of the Ordinance enacted by the City of Seattle. Commissioner Lee said he would second the motion. Commissioner Medina said he would suggest that this be heard sometime in January say about January 17th, 1990.

POLICE COMMISSION DECISION ON OCC POLICY RECOMMENDATIONS

(a) Plainclothes Officers' Responsibilites and Duties Regarding Demonstrations and Crowd Control

Commissioner Giraudo stated that it was his understanding that there was a lengthy hearing on this matter last week and he would expect that the Commission would entertain a motion or some Commission discussion. Commissioner Keker said he would make a motion. He said he would move that the policy recommendation regarding use of plainclothes and undercover officers as submitted by the Office of Citizen Complaints be adopted with the exception of paragraph II, so that his motion would cover Roman Numeral I and Roman Numeral III stating the circumstances when plainclothes officers can be used and what they are expected to do in a crowd control situation. Commissioner Lee seconded the motion and it was unanimously approved.

RESOLUTION NO. 1553-89

OCC POLICY RECOMMENDATION: PLAINCLOTHES OFFICERS' RESPONSIBILITIES AND DUTIES REGARDING DEMONSTRATIONS AND CROWD CONTROL

RESOLVED, that the Police Commission hereby approves the OCC policy recommendation on development of a General Order outlining Plainclothes Officer's Responsibilities and Duties Regarding Demonstration and Crowd Control as written with deletion of paragraph II:

I. That a General Order be developed which outlines the responsibilities of plainclothes and undercover officers generally.

   a. The order should require plainclothes and undercover officers to identify themselves verbally and, where practical, by display of their police star or other indicia of authority prior to effecting an arrest, detaining a suspect, or issuing a citation.

b. This General Order should compile all sections of the current General Orders which deal with plainclothes and undercover officers.

*II. That this General Order prohibit the use of plainclothes and undercover officers in crowd control and crowd control situations.

III. That in the event the Department continues to use plainclothes and undercover officers in crowd control and crowd control situations, the General Order recommended above should contain provisions for the manner and scope of use of plainclothes and undercover officers in crowd control situations.

a. This General Order should be specific in its direction.

b. This General Order should contain a prohibition on the use of plainclothes and undercover officers in arrest situations in crowd control unless there appears reasonable cause to believe that a danger to life or of great bodily injury exists.

*denotes deletion

RESOLUTION NO. 1554-89

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT T-0350 ISSUED TO LEO AHRENS

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit T-0350 issued to Leo Ahrens was called, it having been set for this date; and

WHEREAS, the death of Leo Ahrens has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore, be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit T-0350 issued to Leo Ahrens.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1555-89

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT T-0322 ISSUED TO MARGARET L. HOFFMAN

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit T-0322 issued to Margaret L. Hoffman was called, it having been set for this date; and

WHEREAS, the death of Margaret L. Hoffman has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore, be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit T-0322 issued to Margaret L. Hoffman.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

CONSIDERATION OF AND ACTION REGARDING PROPOSED AMENDMENT TO PART II, CHAPTER VIII OF THE SAN FRANCISCO MUNCIPAL CODE (POLICE CODE) AMENDING ARTICLE 8, SECTION 539, RELATING TO CURFEW LAW FOR MINORS

Commissioner Lee in addressing the President said he would like to move to approve the amendment with the following changes: "Minor under the age of 18, I would like to change it to 17 and then the hours should be 1 AM to 5 AM instead of 12 AM this is my motion. Commissioner Craig then seconded. Commissioner Keker at this time asked for discussion. He said he would like to make an amendment to the motion and that he was concerned about the same issues as Commissioner Lee but they are slightly different. He said his proposal would be to change the age to under 14 so this would only affect 13 year olds and under and keep the hours as proposed or even make them earlier. He said he could go either way, 10 PM or 9 PM and that would be his amendment. Commissioner Medina said he would have moved to eliminate the Curfew Law altogether. Commissioner Keker said that was his opinion when he heard the presentation as it didn't sound constitutional or that it could be fairly enforced. He said, however, he was impressed with the Deputy City Attorney's (Eric Uhl) memo where he has addressed the problem of very young children and what at least sounds like a confusing situation to the police officer on the street when he confronts a young child and a young child to him is somebody under 14. He said the reason that he thought of under 14 is that lots of laws, sexual abuse laws, are much more important for children under 14 and he didn't know all of them but it is a dividing line where the law seems to recognize children as very young children and not even argueably in the realm of being an adult that has rights to be out on the street and associate with whoever he or she wants to associate with. He said so it seems rather than just vote no, something is necessary for very young children but beyond that he would vote no for a curfew for anybody over the age of 13.

Commissioner Medina said to Commissioner Keker that he was persuaded by the various California Welfare and Institution Codes and other codes that the Commission raised last week and their use in regard to stopping of teenagers and young persons and he felt that a police person is more apt to stip someone 14 and so, he feels that the amendment that Commissioner Keker suggest to the age of 14 is an improvement of what was proposed and he (Medina) still favors no curfew at this point, but Commissioner Keker's amendment is an improvement over what was originally suggested.

Commissioner Craig said that she thinks that the testimony that they have heard on this issue has been compelling on both ends and it's been very problematical for her to think and really decide on how they should move on this matter. She said she leans toward the abolition of a curfew ordinance in San Francisco and it seems that some of the people who came here to speak on this issue spoke more to problems that should be covered by other kinds of laws and other kinds of actions that the police can take rather than the implementation of the Curfew Ordinance. She said those problems were with noise and drug trafficking and though the people had well intentions when they were looking to the Curfew as away to solve some of societies problems. She said but we do have a Curfew Ordinance and she is convinced that the plan that the city has drawn up is at least an improvement over what it is now and what Commissioner Keker said has covered some of here concerns about the way in which they have heard that the Curfew Ordinance has been used unconstitutionally and inappropriately. She said she would therefore second Commissioner Keker's motion for that amendment and would like to see that amendment made to the original motion by Commissioner Lee. Further discussion clarified the hours and age in the Ordinance and it turned out to be 12 midnight to 5 AM and under 14 years. The motion was then passed by a 3 to 2 vote. Commissioner Medina and Lee both voting no.

RESOLUTION NO. 1556-89

PROPOSED AMENDMENT TO PART II, CHAPTER VIII OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) AMENDING ARTICLE 8, SECTION 539, RELATING TO CURFEW LAW FOR MINORS

WHEREAS, the Police Commission has held a series of public hearings addressing concerns with the existing curfew ordinance, and

WHEREAS, the City Attorney has drafted legislation which addresses these concerns, and

WHEREAS, this amendment will aid the Police Department in maintaining order upon the streets of San Francisco, and

WHEREAS, it is necessary for the Board of Supervisors to adopt any changes in local ordinance; therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby recommends approval of the draft legislation and forwards the draft legislation to the Board of Supervisors for their consideration and adoption.

AYES: Commissioners Craig, Giraudo, Keker
NAYS: Commissioners Lee, Medina

RESOLUTION NO. 1557-89

REVISION OF DEPARTMENT GENERAL ORDER S-1, "PERSONAL PROPERTY CLAIMS"

RESOLVED, that the Police Commission hereby approves the proposed revision to General Order S-1, "Personal Property Claims".

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1558-89

CONSIDERATION OF PROPOSED GENERAL ORDER REGARDING IMPLEMENTATION OF THE CITY OF REFUGE ORDINANCE

RESOLVED, that the proposed General Order on the City of Refuge Ordinance is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 1559-89

REQUEST FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $19,000 TO CONTINUE THE OCEANVIEW PARK PROJECT TO KEEP THE PARK SAFE FROM DRUG DEALERS

WHEREAS, Oceanview Park is a site where narcotic sales occurs, and

WHEREAS, the Police Department has detailed officers to the park to provide a uniformed presence in the park, and

WHEREAS, the uniformed presence has resulted in fewer narcotics sellers, less crime, and increased community support, and

WHEREAS, the uniformed presence is funded from the Narcotics Forfeiture and Asset Seizure Fund on an overtime basis, and

WHEREAS, $19,000 is required to continue the program until June 30, 1990; be it therefore

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation totaling $19,000 to fund police overtime at the Oceanview Park until June 30, 1990.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

PUBLIC HEARING ON RECOMMENDATION OF REVAMPING OF THE TACTICAL UNIT

In regard to this matter Commissioner Giraudo said this was an item that was called for by Commissioner Medina. He said for those parties desiring to speak the Commission would allow 6 minutes for presentation if they are representing a group and 3 minutes for each individual. The first speaker was Mr. Lester Olmstead Rose. Mr. Rose said he was representing the Alliance to Stop Abusive Police (ASAP). Briefly, this is what he said. ASAP is calling for abolition of the Tac Squad. Training: They were told there is going to be new Event Training Management Manual a year ago and that has not been produced. Three (3) suggestions for the Police Commission: 1. True abolition of the Tac Squad and develop a process for regular review of the individual officers. Take into account the number of sustained complaints against them, the degree of seriousness, and follow through with appropriate assignments and discipline. Public

knowledge of what sort of training the officers are going through relating to crowd control. He said it is time for this Commission, for the Mayor and for the public to really begin hounding the uniformed department, staying on top of it for a long time until they are able to create a history of reform that all can believe in.

Mr. Leryoy Luper, who said he was from the Tenderloin and was here to support Captain Cairns who was his commander in the Tenderloin and who worked with them to develop certain issues like safe and sober streets.

Mr. John Sant, said he is a native San Franciscan and has lived in San Francisco all his life. He said he is on the Board of Directors of the Little Hollywood Improvement Club which is out in Visitacion Valley and they are in favor of retaining the Tac Squad as it is now.

Ms. Monique Doryland, said she was representing the Bay Area Pledge of Resistance. She said they wanted to add their voice to the chorus of organizations saying please abolish the Tac Squad.

Mr. Tom Booth, said he was making a statement on behalf of the organizations of Radical Women and the Freedom Socialist Party. He said they join with other group calling for the abolition of the Tactical Squad and the Intelligence Unit. He said, further, they call for the establishment of an independent popularly elected Citizens Review Board outside the authority of the Police Commission and the Mayor.

Mr. Keith McHenry, Food not Bombs, said he knows that at Food not Bombs demonstrations the people who are definitely trying to incite violence are the people that organizers of the demonstrations put under control and later discovered that they were working for other agencies, often times Federal Agencies and not necessarily city agencies. So one needs to take into account the double talk when one hears such talk from Chiefs Frank Jordan and Frank Reed in regards to well, if there's going to be criminal behavior at a demonstration then there needs to be undercover cops, and a deployment of the tactical police force. He said this is a kind of manipulation of the public, of the media, the political apparatus of the city by the military of this city which constitutes basically a taking over of San Francisco by the business community and the military community for its own goals. He said the Examiner and the Chronicle and the other news organizations that are claiming somehow this is a democracy, which it most definitely is not, need to realize this is a kind of life and death power struggle that needs to be addressed and it would be best if the people could do this in a civil manner rather than deploying the military out to crush dissidents as has been that tactic up to this point.

Ms. Thelma Brody in her address to the Commission said she wanted to preface this by saying she was just appalled at what she was listening to and seeing here tonight; and secondly she said, after listening to some of these people, she can see why the city really needs the Tac Squad. She said she would also suggest that the Board of Supervisors be eradicated with the exception of Wendy Nelder and Bill Maher. She continued by saying that as for Hallinan, he is an avowed communist, his whole

family is. She said all of these anti-U.S. groups are here trying to tell the Police Department how to run itself and they can't even run themselves. She said Dolores Huerta egged the Tac Squad on and all of these groups are egging the cops. She said she thinks the police department is doing a damn good job, especially after what she is seeing here tonight.

Mr. Gerald (unclear last name) said he was glad to see that the Nazis are here tonight. He said among other things that the Tac Squad seem to enjoy is going out and beating up on people. He said in order to have organizations around like the Tac Squad means one thing and that is that you have failed in your social policies and you have to have people like that. He said he looks at the Tac Squad people and that last time he saw a group like that it was probably in the docket at Nuremberg.

Commissioner Keker said he would like to say one thing in the middle of this. He said he is a new Commissioner and did not know very much about this issue and really would like to learn something about it. He said he was not learning very much as the level of discussion of the last three speakers, in particular, has been useless or worse as far as he was concerned. He said he would like to learn something about the pros and cons of this issue because it sounds like it's very important. He said instead he was seeing people come up here who want to talk and show off. He said this is not helpful to him as a Commissioner.

The hearing on this issue is being held to get something done and nothing is getting done and if this continues then everyone should just go home.

The next group of speakers were as follows:

Mr. Dave Bennet, President of the Hotel Motel Security Directors Association. Mr. Victor Voskiss, representing himself. Mr. Tom Field, who stated that he lives in Richmond District and works in North Beach. Jeremiah Morgan, Police Officer Tactical Division.

The next speaker did not identify himself. Ms. Catherine Daly, native San Franciscan. Mr. Stan Long, 30 year resident of San Francisco.

Mr. John Crew, Attorney ACLU, said he was responding to Commissioner Keker's question. He said he didn't know if this is useful or not, but he thinks it is important to try to define the issue before the Commission. He said the issue is not whether or not the Police Department will do crowd control or not do any crowd control. The question, he said, is who is going to do it. He said it is not a question of being pro-cop or anti-cop or pro-demonstration or anti-demonstration. He said it is fairly simple, who do we want doing crowd control and what is the most efficient use of this Department's resources and resources that the Department certainly, for the last year and a half, has been very tightly strained as the Department is understaffed. He said the Chief ordered, a month ago, that the Tac Squad be reconstituted and the daily crowd control responsibilities taken away from the Tac Squad and the question tonight after a 20-year experience of using the Tactical Squad for crowd control whether or not this Commission should take the extra step of disbanding it and taking away

all of its responsibilities. Mr. Crew then pointed out other reasons for disbanding and closed by saying that the amount of money the city has paid out for police misconduct has been soaring the last few years, not just for the Tactical Squad but significant portions of it are, and he thinks that if this Department is concerned about efficiency and about protecting people's Free Speech Rights that the Commission will take the steps to disband the Tactical Squad altogether.

The next speaker was Mr. Tom Osher, who said he was a homeless activist. Mr. Walter Pastori, resident, business and property owner in North Beach. Gave list of names of supporters who favored keeping the Tac Squad. Mr. Gerard Coscovic, citizen, historian and journalist by profession. Ms. Ann Chung, Executive Director of Self-Help for Elderly. Mr. Mark Freeman, Family Nurse Practitioner. Jerry Donovan, Police Officer, Field Labor Representative for the Tactical Division. Steve Johnson, Secretary of the Police Officers Association. Mr. Dan O'Day, citizen.

Woman from audience who spoke and did not identify herself but said she was from New York. Lieutenant Bruce Marovich, San Francisco Police Department. Mr. Bill Haskell, responded to Lieutenant Marovich's comments.

Commissioner Giraudo said there has been a number of speakers this evening that addressed the issue that was put on calendar in terms of the public hearings. He continued by saying that he thinks that before this Commission takes any action with respect to the suggestions that were made this evening about the status of the Tac Squad, he would recommend that his fellow Commissioners go out and observe the Tac Squad in action at various demonstration in San Francisco. He said he thinks that Commissioner Keker made a good point tonight when he defined himself as a new Commissioner wanting to learn more about the issue and candidly speaking, he said this Commission, in its entirety is somewhat new to this issue that has been the topic of discussion this evening.

Commissioner Medina then said he had made the motion to calendar this matter for discussion because of the concern that had been expressed and specifically when this was calendared for discussion the Commission was going to look at two things and one was the role of the Tac Squad in regard to crowd control and secondly, the usefulness and effectiveness of the unit and so he felt that the Commission should take the public comment into consideration and carry this matter over for some direct action. He said before they do that he would like to ask the Chief if he can give the present configuration of the Tactical Unit in terms and in numbers of personnel and how their assignment breaks down.

Chief Jordan said he would be happy to but he would also like to respond to what some of the speakers have said here tonight. He said the primary function of the Tactical Unit has never been Crowd Control. He said it is just what they are calling them a Violent Crimes Unit. He said he very seldom hear complaints when the Tactical Division Officers deal with barricaded suspects, hostage situations, violent street crimes, drive-by shootings, robberies, aggravated assaults and purse

snatchers, or also when they are diffusing or removing explosive devices, all of these areas that their expertise dangerously involves them in on a day to day basis. He said they do an outstanding job. He said they have been so maligned in demonstrations, and particularly during the October 6, 1989 Demonstration, where there were 151 officers assigned and only 30 were from the Tactical Division and when ordered they (Tac Squad) don't relish going. He said he has heard tonight that there are millions of dollars leaving the City's Treasury in terms of settlements against the Tactical Division but in the last three (3) years that has been only one that was a sustained case against the Tactical Division and the total amount was for $40,000. He said the Tactical Division, in terms of personnel, has been going down steadily. He said the Department is 217 officers short, presently, and the Tactical Unit is made up of Muni Transit, Parks and Beach Squads, the Honda Unit, the Mounted Unit, the Dog Unit, the SWAT Team (Special Weapons and Assault Teams) and they are down to less than 50 police officers in an entire Tactical Division and probably will not see many more people going in that unit at this point because of the shortage of overall personnel. He said the Department is looking for a level of balance between the right of citizens to demonstrate peacefully and get their message across in ways they need to do it without disrupting others who have the same access to public streets and arteries, public transportation and buildings in San Francisco. He said if he could find that level of balance he would be very happy to pursue it but he can not condone violence or blockages when people are insisting on going into buildings and they can't get in, or disruption of a street where the Department has to clear it after a [illegible] in period of time. He said the Department does get the message and does try to be somewhat flexible in those areas.

Commissioner Medina thanked the Chief and asked if he could have prepared for the next time this matter comes up an exhibit that indicates the number of Officers and a breakdown in terms of the configuration, the assignments and what their duties are within those given units of the Tactical Squad.

The Chief advised him that it would be prepared.

Commissioner Medina then asked the Director of the OCC to take the Commission through a written report that he had prepared and given to the Commissioners and to specifically go over the numbers that he has here, what they mean in regard to the number of incidents of use of unnecessary force and the other categories. He also requested those for the Tactical Unit for those years and then for the Director to move down below where he has the totals and just do a comparison in regard to those numbers that he has there. (This report is on file in the calendar file of this meeting and regular OCC File in the Commission Office.)

Mr. Langer then went through a detailed explanation of the report and concluded with: "The percentage of complaints in the Tactical Unit with respect to measuring them against the number of complaints registered against the entire Department, the Tactical Unit Complaints represented 1.51% of the total number of complaints against the Police Department and then on the bottom of the page, the

Patrol Bureau 1989 total and those are broken down by each district and they are broken down in a similar manner and the second page is just a graph which illustrates that in a graphic way."

Commissioner Medina then thanked Mr. Langer for giving this report. Thereafter, Commissioner Craig said she needed some clarification from the Chief. She said when the Chief issued his statement is response to the October 6th incident, at that time he indicated he had ordered a reconstitution of the Tactical Unit relieving them from Crowd Control. She said she wanted to know if that has gone into effect and if so what has been the result.

Chief Jordan said that it has gone into effect and the one difference now in the Park and Beach Squad and the Mounted Unit are shifted under the Patrol Force. He said the Honda Unit and Park and Beach are located at Park Station and the Mounted Unit is still at the Golden Gate Park Stables but under the Patrol Force. He said so there are a number of personnel that are now in a different configuration and not under the Tactical Division for the manned structure. He said the other is the Dog Unit, the Transit Unit and the SWAT Teams. He said those are all still under the Tactical Division but it is still a smaller configuration. As you know, he said, the Department has the unit at this time totally under the command of a commander, Commander Fred Lau in an acting capacity as Deputy Chief until he can determine what's going to be down with the Deputy Chief's position. He said but eventually there will, more than likely, be a Captain again in charge of this unit, depending at this point as he has to have some further discussions in terms of reorganization with the Commission.

Commissioner Craig said so if she were to follow President Giraudo's suggestion and observe the Tactical Unit in Crowd Control situations would that be possible at this time.

Chief Jordan said what she would have to look at it at this time as Crowd Control is every day, with the 200 demonstrations or so, three yesterday and two more today. He said they would just give her advance notice of some of the larger ones where they would show her District Station Officers handling the initial phase of it and the Tactical Unit Officers on stand-by and reserve, to be used, if in fact any violence occurs. He said they may also use them depending on further evaluation if in fact arrests are made by District Station Officers. The Tactical Unit Officers are well trained in taking th arrestees, making photos of the individuals and placing appropriate charges so that they may be processed later on for the District Attorney's purposes.

Commissioner Craig said she had heard reference to video tapes being taken. She said perhaps they could use some of the video tapes that the Department has on hand of the past demonstrations to see just how and where the officers have been deployed.

The Chief respondes in the affirmative and said the suggestion was made tonight about the Tactical Division Officer about having a specialized person somebody possible from the news media who has the talent and the expertise to deal with demonstrations

where they can get the proper kinds of film. He said the Department is using police officers in this capacity now.

Commissioner Craig said she had specific questions about the Tactical Squad, how they go about their duties, how they become members, how long is their tenure, what do they do when they are not performing special duties. She said she would hold those and await further exhibits and clarifications that Commissioner Medina suggested and requested.

Commissioner Medina then made a motion for the matter to be calendared for four (4) weeks from this date. Commissioner Keker seconded and it was unanimously approved. (The entire text of this item was taken in shorthand form by Linda S. Pransky, CSR and is on file in the Office of the Police Commission)

POLICE CHIEF'S RESPONSE TO COMMISSIONER GWENN CRAIG'S 23-POINT QUERY REGARDING ACT-UP DEMONSTRATION IN THE CASTRO DISTRICT ON OCTOBER 6, 1989

Commissioner Giraudo said to the audience that the Commission had public comment some weeks ago from members of various communities with respect to the October 6th, 1989 demonstration and those comments coupled with meetings that were held, that Commission Craig and himself attended, prompted this inquiry of the Chief of Police. He said so this evening what they are going to be doing is eliciting response from the Chief of Police to the Commission that were posted to him and for the Commission to ask further questions if necessary and if desired. He said they will not be seeking public comment tonight on those answers. He said if necessary the Commission will continue this matter for further clarifications pending the outcome of the answers to the questions this evening. He then asked the Chief to answer the questions in order one by one.

Chief Jordan said possibly he could clarify anything for the audience here too tonight. He said many of his answers are going to be brief and he will read to the Commission the reason why in terms of his letter that he sent back in response to the Police Commissioner: "Dear Commissioners, at the Commission's request I am herein responding to the 23 questions preferred by Commissioner Craig. These responses are of necessity brief and to the point. As the Commission is aware, the OCC is currently investigating the incident of October 6, 1989. We do have ongoing investigations from the Office of Citizens Complaints. I'm also responding to three (3) additional questions preferred by Commissioner Giraudo. It is my responsibility therefore to respond to these questions in such a manner so as not to preclude the Commission from also hearing any possible disciplinary cases being forwarded to them in the future regarding litigation in this matter. So, we do know that also is pending, but I will answer each of the 23 questions and be happy to respond to any additional questions." (The entire text of this item was taken in shorthand form by Linda S. Pransky, CSR and is on file in the Office of the Police Commission)

After listening to the exchange of questions and answers, Commissioner Giraudo said he felt it would be helpful to the Commission to further understand the answers to the questions, especially in terms of the questions that Commissioner Craig has expressed with respect to the time element of the incident, to be able to review the CAD report and the operations order as well as the after-action critique as a Commission, so that they all are completely informed as to the generality of these questions put forward to the Chief and perhaps the Chief could arrange for the Commissioner's individually to review those as a point in time.

Commissioner Craig said she would like to ask, additionally, for the opportunity to see the Event Management Manual. She said so much of this information has to do with the Department Policy, so it would help her to have a clearer understanding of what they have now, what they might look at as to making any changes, for further clarification in that Manual. She said and also she understood that there is something called the Situation Report and she would like to have the opportunity to see that as well.

Commissioner Keker said he would like to make a suggestion as he thinks first of all Commissioner Craig's list is the right one. He said the Commission should calendar an Executive Session on this under the category of litigation for the Commission's next Executive Session.

Commissioner Giraudo said the next time the Commission comes together will be January 10, as there will not be a meeting next week.

Commissioner Keker said what he was suggesting is that the Commissioners will all be responsible for coming down and looking at them, know what's in them and then can talk about what they can do next.

Commissioner Giraudo suggested doing that before January 10, he said, each Commissioner should go in and review the documents and then on the 10th they can meet at 4:30 p.m. in Executive Session and discuss what they have read and decide whether or not they think there is anything pertinent that needs to be discussed in public. He said then the Commission can announce when it would have follow-up discussion on this matter during the regular meeting of January 10th.

Commissioner Giraudo then asked Mr. Langer to give the Commission an update as to where he stands with the OCC Complaints. Mr. Langer said he would just like to clarify one point in regard to the Act-Up Demonstration. He said the OCC was notified by Sergeant Martinez the day before the demonstration but they were not, however, told how many officers would be present. He said and routinely they are not given that information and so he thinks that is going to need clarifying. He said with the limited staff of the OCC they try to make their best evaluation of how many people are sent to the demonstration and they use all of the information supplied to them to make a determination. He said in this particular instance there were two investigators sent and it was their belief that it would be a peaceful demonstration and that it would be relatively small. He said he thinks if they had known that there would be that number of lawsuits they would have sent more

people. He said as of this date they received 36 separate complaints. He said those were merged to reflect 13 separate incidences of complaints that resulted in 13 investigations. He said those investigations are presently being conducted with 3 having been concluded with findings other than sustained. There are 10 pending and have been assigned to various investigators and as the Commission requested several weeks ago for a time line the OCC hopes to have all of these complaints completed by the end of January. He said he must point out one thing and that is having some difficulty getting witnesses and complainants to come forward and difficulty getting information that was previously promised. He said it is impeding their ability to do their job. He said the OCC needs complete cooperation from people so that they can do a complete, fair and impartial job. He said he believes there may be as many as 80 complaints and yet the official number was 36. Commissioner Craig asked if Mr. Langer had any indications why he is having those kind of problems.

Mr. Langer said he thinks there are a couple of reasons, one he said, some people have filed lawsuits and their attorneys have advised them not to cooperate with the OCC and in other cases people are afraid of the OCC records being subpoenaed before the Grand Jury and there are a number of other things of general concern, however, he said they are beyond the OCC's control.

The meeting, thereafter, was adjourned at 10:00 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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DECEMBER 19, 1989 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, December 19, 1989 at 9:00 a.m. in a Special Meeting.

DOCUMENTS DEPT.

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HEARING OF POLICE INSPECTOR FRANK C. McCOY, INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau, Homicide Section, was called it having been continued from the meeting of November 30, 1989.

Inspector Frank C. McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Stephen Bley, Attorney at Law, and was joined by other defense attorneys requesting dismissal of the charges for lack of evidence and that prosecution has not made a prima facie case.

An opening statement was made by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, requesting that the case not be dismissed and that the officers under Section 776 of the evidence code be allowed to testify and all department identification items be entered into evidence before the prosecution submits the case.

The following exhibits were entered into evidence by the Defense:

Exhibit FF Photocopy of 2-page document containing what appears to be personal handwriting with letter and numbers marked across the page "C89-070, #187"

Exhibit GG Transcript of Antonio Casillas, 6/10/88

Exhibit HH Audio Tape of Interview of Inspector A. Casillas by Mr. Shockey, 6/10/88

Exhibit II SFPD Training Bulletin dated 11/25/83, "Investigative Interviews"

Exhibit JJ Memo from Inspectors Frank McCoy and Marvin Dean to Lt. Gerald McCarthy, 12/2/87, Re: Case 87-1336939 and Memo from same Inspectors to Lt. McCarthy, 3/8/89, Re: 87-1336939, George Smoot (deceased)

Exhibit KK Audio tape interview of Inspector F. McCoy

Following a recess, Commissioner Giraudo then made a statement. He stated it was the preference of the Commission to complete the cross examination of Mr. Shockey through Mr. Prentice and Ms. Seliger and then consider the lack of Evidentiary Motion. He would desire the entire Commission to return and

deliberate on both motions for dismissal, one formally filed previously and the oral motion for dismissal on this date. Commissioner Giraudo requested a written submission on the oral motion to dismiss. It is the desire of the Commission to review all the transcripts prior to consideration of motion to dismiss, in particular the Evidentiary Motion.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The hearing was then continued to Wednesday, January 3, 1990, at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioner Keker, Medina

Recesses taken during the hearing of Inspector McCoy:

9:49 a.m. to 10:20 a.m.
11:14 a.m. to 11:30 a.m.
12:33 p.m. to 2:05 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR MARVIN V. DEAN, INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau, Homicide Section, was called it having been continued from the meeting of November 30, 1989.

Inspector Marvin V. Dean appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Stephen Bley, Attorney at Law, and was joined by other defense attorneys requesting dismissal of the charges for lack of evidence and that prosecution has not made a prima facie case.

An opening statement was made by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, requesting that the case not be dismissed and that the officers under Section 776 of the evidence code be allowed to testify and all department identification items be entered into evidence before the prosecution submits its case.

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Exhibit KK Audio tape interview of Inspector F. McCoy

Following a recess, Commissioner Giraudo then made a statement. He stated it was the preference of the Commission to complete the cross examination of Mr. Shockey through Mr. Prentice and Ms. Seliger and then consider the lack of Evidentiary Motion. He would desire the entire Commission to return and deliberate on both motions for dismissal, one formally filed previously and the oral motion for dismissal on this date. Commissioner Giraudo requested a written submission on the oral motion to dismiss. It is the desire of the Commission to review all the transcripts prior to consideration of motion to dismiss, in particular the Evidentiary Motion.

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Larry Shockey, Investigator, Office of Citizen Complaints

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AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioner Keker, Medina

Recesses taken during the hearing of Inspector Dean:

9:49 a.m. to 10:20 a.m.
11:14 a.m. to 11:30 a.m.
12:33 p.m. to 2:05 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR WILLIAM F. KIDD, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau, General Work Section, was called it having been continued from the meeting of November 30, 1989.

Inspector William F. Kidd appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Stephen Bley, Attorney at Law, and was joined by other defense attorneys requesting dismissal of the charges for lack of evidence and that prosecution has not made a prima facie case.

An opening statement was made by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, requesting that the case not be dismissed and that the officers under Section 776 of the evidence code be allowed to testify and all department identification items be entered into evidence before the prosecution submits its case.

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Exhibit KK Audio tape interview of Inspector F. McCoy

Following a recess, Commissioner Giraudo then made a statement. He stated it was the preference of the Commission to complete the cross examination of Mr. Shockey through Mr. Prentice and Ms. Seliger and then consider the lack of Evidentiary Motion. He would desire the entire Commission to return and deliberate on both motions for dismissal, one formally filed previously and the oral motion for dismissal on this date. Commissioner Giraudo requested a written submission on the oral motion to dismiss. It is the desire of the Commission to review all the transcripts prior to consideration of motion to dismiss, in particular the Evidentiary Motion.

The following witness was called by the Prosecution, having previously been sworn, testified:

Larry Shockey, Investigator, Office of Citizen Complaints

The hearing was then continued to Wednesday, January 3, 1990, at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioner Keker, Medina

Recesses taken during the hearing of Inspector Kidd:

9:49 a.m. to 10:20 a.m.
11:14 a.m. to 11:30 a.m.
12:33 p.m. to 2:05 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR ANTONIO L. CASILLAS, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau, General Work Section, was called it having been continued from the meeting of November 30, 1989.

Inspector Antonio L. Casillas appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Stephen Bley, Attorney at Law, and was joined by other defense attorneys requesting dismissal of the charges for lack of evidence and that prosecution has not made a prima facie case.

An opening statement was made by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, requesting that the case not be dismissed and that the officers under Section 776 of the evidence code be allowed to testify and all department identification items be entered into evidence before the prosecution submits its case.

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AYES: Commissioners Craig, Giraudo, Lee
ABSENT: Commissioner Keker, Medina

Recesses taken during the hearing of Inspector Casillas:

9:49 a.m. to 10:20 a.m.
11:14 a.m. to 11:30 a.m.
12:33 p.m. to 2:05 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 4:38 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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